Meeting the Challenge of Charter Reform

Kevin F. McCarthy, Steven P. Erie, Robert E. Reichardt
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Kevin F. McCarthy, Steven P. Erie, Robert E. Reichardt

with

James W. Ingram III

Prepared for the
Los Angeles Business Advisors
Preface

It has been over 70 years since Los Angeles comprehensively revised its charter. Much has occurred in the ensuing years both to the city and to its governing document. Recently, two commissions were established to review the city’s charter and to make recommendations for comprehensive change. Since the charter sets the “rules of the game” for the city’s operation, the task facing these two commissions is daunting for both substantive and political reasons. Substantively, the commissions have been charged with examining the scope of the city’s governing structures and procedures and focusing their recommendations on the key changes that might be needed. Politically, they must contend with the diverse interests that have a stake in the outcome.

In spring 1997, RAND was approached by the Los Angeles Business Advisors, a group of major businesses operating in the city, to conduct an analysis of the charter reform process. Our task was more descriptive than prescriptive in that we were asked to identify and describe the key issues and reform options rather than to recommend specific reforms. In addition, we have tried to place the current charter reform debate in context by reviewing the history of charter reform in the city, comparing Los Angeles’ governance structure with those of other large American cities, and describing the changes in the city’s demographic, economic, and political profile since the last major revision in the charter.

We hope this report will elucidate the challenges charter reform poses for the city and the two reform commissions. Our goal is not to recommend specific changes but to raise the issues that we believe need to be dealt with if effective reform is to occur.
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Executive Summary

It has been over 70 years since the last comprehensive redrafting of Los Angeles' charter. Much has happened in the interim both to the city and to the charter. The city has been transformed from an ethnically homogeneous, emerging metropolis confidently led by progressive and growth-oriented leadership into a mature multi-ethnic enclave whose leadership appears as concerned with protecting their newly won prerogatives as with meeting the challenges of growing fiscal constraints and an increasingly competitive economic environment. Since its passage in 1925, the charter has grown from its original 100 pages to over 600 pages. As a result of over 530 separate amendments, it has been transformed from a general statement of principles into a detailed operations manual with a complex system of checks and balances that limits the flexibility of city officials to respond to changing circumstances. The result, many would argue, is a city charter that is unwieldy, difficult to understand, and not particularly well-suited to today's municipal environment.

Ironically, the threat of secession by residents of the San Fernando Valley, rather than any consensus on either the need for or the substance of charter reform, has resulted in the creation of two separate charter reform commissions charged with evaluating the suitability of the current charter and recommending substantive reforms. Symptomatic of the city's current political environment, community leaders believe charter reform is critical but are generally skeptical that it is politically feasible while the vast majority of the public appear to be neither aware of nor concerned about reform. To some extent, this public skepticism may be warranted, since there is little evidence to suggest that the structure of government has directly caused many of the problems facing the city or that charter reform by itself will make these problems go away. Nonetheless, it seems clear that reform of the city's governance structure can help the city deal with its problems.

Although the range of potential issues that have been raised by reform proponents is extensive, three general categories of issues—each focusing on a different aspect of the city's operation—encompass the vast majority of the proposals mentioned. One set of issues concerns the city's policymaking process. These issues include the ability of the city's residents to influence policy, the match between the city's decisionmaking structure and the scope
of service delivery, and the ability of these decisionmaking processes to produce timely and clear decisions. Embedded in these issues are questions that the reform commissions will need to address concerning the size of the city council, the role of commissions, the appropriate mechanisms for direct participation by residents in decisionmaking, and the city’s participation in regional issues.

A second set of issues surrounds the management of city operations. These issues concern the decentralization of management authority within the city, the appropriateness of the charter’s current “operations manual” character, and the question of which issues should be specified in the charter (requiring change by the voters) and which should be dealt with in the city’s municipal code or by ordinance (changeable by a vote of the council). When considering these issues, the commissions will have to decide such questions as the following: Should the mayor have more administrative power? Should the council’s primary role be legislative rather than administrative? Should the charter be an enabling document embodying a series of governing principles or a restrictive document that clearly delineates the city’s operating procedures?

A third category of issues involves the actual provision of city services. Although our research indicated that most of the city’s residents are more critical of the budgetary constraints that limit the frequency of service provision than of service organization, special concerns have been raised about three elements of the city’s operation: its proprietary departments, its regulatory functions, and the ability of a “one size fits all” delivery strategy to meet the needs of the city’s residents in light of the increasing diversity of the city’s residents and its neighborhoods. These issues raise questions for the commissions such as whether the proprietary departments require special treatment, how the city’s regulatory functions might be reorganized, and how a “one size fits all” delivery strategy might be modified while ensuring equity in service delivery.

The challenges these issues pose are likely to become even more pressing in the future. The city’s growing demographic, economic, and neighborhood diversity, for example, will almost certainly make reaching consensus on policy more difficult among residents already mistrustful of government. Similarly, voter-supported initiatives designed to make raising revenues more difficult, state actions that have reduced the city’s operational flexibility, and an intergovernmental environment increasingly in flux are certain to force the city to place more emphasis on efficiency and innovation. Finally, an
increasingly competitive economic environment at both the local and regional levels will test the city's ability to be competitive.

Although none of these issues is easy to resolve, it seems clear that the reform process needs to be driven by policy rather than political considerations if it is to be successful. Indeed, the pessimism of current reform advocates seems to be based on their perception that politics will drive the reform process and that conflicting agendas among the various interests with a stake in the outcome will make reform very difficult. As a result, we recommend that the reform process itself be divided into two phases. The first should be directed toward producing recommendations for substantive reform. The key here is how the two commissions coordinate their tasks and recommendations. The second should be directed to "marketing" the reform package to voters.

The success of any public education program will hinge on the themes around which the reform effort is organized. Although, as suggested above, there are a wide range of potential themes, we believe that preparing the city for the challenges of the future should be the foremost concern. This future will require a charter that lays out a set of governing principles providing the city and its elected and appointed officials with the flexibility needed to manage an increasingly diverse city in a period of fiscal stress and growing regional and global competition. Thus, the commissions should recommend an enabling charter embodying a set of general governance and organizing principles while leaving the details to be filled in by ordinance.

In laying out these general principles, the commissions need to be aware that the city in fact operates at three different levels. First, it provides key facilities, such as the airport and harbor, that support the comparative economic advantages of not only the city but also the entire Southern California region. Second, the city supplies services such as police, fire, and public works that operate at a citywide level. Finally, some city services such as planning and zoning, building and safety, and street maintenance have their greatest effect at the neighborhood level. Too often, decisions about these different service levels are made without consideration of their impact at other levels. Moreover, conflicts often occur between the city's regional economic functions and quality-of-life considerations at the neighborhood level. Although resolving the potential conflicts among these levels is a challenging task, it cannot be ignored. To meet this challenge, the commissions must avoid the temptation to focus on any specific set of interests and seek instead to adopt a citywide perspective on these issues. After all, the city (and by
implication the reform commissions) have an obligation to the city’s residents to provide not only an environment in which the city’s residents want to live but also one in which they can make a living.
Acknowledgments

We are grateful to the many people who have provided us with assistance in the course of this research. In particular, we would like to acknowledge the assistance of our colleagues, Elizabeth Rolph and Phil Isenberg, who helped design the study and provided useful comments throughout, and to Dick Neu, who reviewed an early draft. We are also indebted to the individuals we interviewed who shared their time and knowledge with us. In addition, we want to thank the individuals and organizations who responded to our letter seeking their comments on reform.

A special note of thanks is due to Sam Bell, President of the Los Angeles Business Advisors, for his insight and assistance. Finally, this research would not have been possible without the tireless assistance that Lisa Lewis provided.
1. Introduction

The last comprehensive redrafting of the Los Angeles City Charter occurred in 1925. Since then, the character of the city, the economic and political environment in which it operates, and the charter itself have changed dramatically. These changes have not followed some systematic plan. Rather they have occurred in an ad hoc fashion in response to a combination of larger national trends and specific local events that have affected Los Angeles and its governance structure. The result, many would argue, is a City Charter that is unwieldy, difficult to understand, and not particularly well suited to today’s municipal environment.

In response to this situation and the establishment of two separate commissions charged with reviewing and recommending changes to the city’s current charter, the Los Angeles Business Advisors (LABA), a group of major businesses operating in the city, contacted RAND in the spring of 1997 about conducting a study of the charter reform process. The purpose of the proposed study was to provide LABA with a checklist of issues to be considered by the two charter reform commissions and a framework for evaluating those issues. The goal was not to make specific recommendations for reform.

Accordingly, this report is more descriptive than prescriptive. It identifies and describes the key issues and related reform options rather than recommending specific choices. There are, however, two exceptions. The first relates to the underlying philosophy behind charter reform; the second, to the process of reform. In its current form, the Los Angeles City Charter is more an operations manual than a statement of governance principles. We believe this is a mistake and a source of many of the problems with the existing charter. The charter can be simplified, shortened, and made more accessible if, instead, it were a statement of underlying governing principles. This argument is developed in some depth in the body of this report.

The second exception relates to the process of reform per se. As we will discuss, for the reform effort to be successful it must deal not simply with the substance but also with the politics of reform. Although related, these two topics are best dealt with separately. Thus, we recommend that the reform process itself be divided into two phases: the first directed toward producing a series of reform recommendations; the second, toward educating the public about the need for
reform and the merits of the specific recommendations. Although the recommendations of both commissions will not be available until later in 1998, the task of educating the public should begin immediately.

This analysis utilized several different information sources. First, we reviewed the diverse literature pertaining to charter reform in Los Angeles. This included material on the history of Los Angeles and its charter, studies of the city’s current structure and operations, articles on the structure of other cities, and various statistical sources on the city’s current and past demographic, economic, and political environment. Second, we sent letters to approximately 500 individuals and organizations in the city to solicit their opinions about the major issues facing the city and their recommendations for reform. The recipients of these letters included neighborhood associations, interest groups, academics, unions, politicians, and a variety of others whom we identified by consulting lists of organizations and institutions and references from councilmember offices.1

Finally, we conducted detailed interviews with a sample of individuals about the charter reform effort. These individuals were all directly involved with the governance of the city and included both current and former government officials, representatives of various interest groups in the city, members of the media, and academics and others who had done research on the city. The list of individuals interviewed for this project is contained in Appendix D.

This report presents our findings. It is organized into six separate sections. This first section states the purpose of the study. The second section provides background information on the current reform effort, including the genesis of the separate reform commissions. The third section highlights key features of the original 1925 charter and reviews the history and lessons of prior reform efforts. The fourth section highlights some of the most important changes that have occurred in the demographic, economic, and fiscal structure of Los Angeles since the passage of the 1925 charter and suggests some of the changes we can expect in the future. The fifth section describes what we view to be the key issues for reform and the major reform options. The final section then lays out the overall conclusions of the study. The report also contains a series of appendixes that present additional detail on several specific subjects dealt with more briefly in the body of the report.

1For this letter, we included virtually all of the individuals and organizations we were able to identify.
2. Background on Current Charter Reform Effort

A. The Immediate Catalyst for Reform

Although interest in comprehensive charter reform has surfaced periodically since the 1950s,\(^1\) the current round of reform efforts is less a by-product of an emerging consensus on the need for reform than a reaction to pressures for secession from the San Fernando Valley.\(^2\) Residents of the Valley, originally incorporated into the city in 1915 in conjunction with the opening of the Los Angeles Aqueduct, have in recent years expressed growing dissatisfaction with their perceived lack of political influence within the city and have been lobbying for possible secession. However, barring action by the California legislature to remove the need for the city council to approve Valley secession, secession remained a distant possibility. Until the last session of the state Legislature, the leader of the California Senate had prevented the necessary legislation from reaching a floor vote.\(^3\) In the current session, however, the majority leader allowed the needed legislation to reach the floor. It subsequently passed both houses and was recently signed by the governor. Consequently, if both the Valley and the rest of Los Angeles vote in favor of secession, it will occur.

Both Mayor Riordan and the city council viewed charter reform as a opportunity to head off the Valley secession effort—as well as similar efforts in other dissatisfied areas such as Wilmington, San Pedro, and South Central. Thus, they initially joined forces in 1996 to push for charter reform and began discussions about organizing a charter review commission. However, the mayor and council differed in their underlying agendas for reform. The mayor was interested in a stronger executive role with clearer authority over city affairs; a majority of the council appeared to favor reforms that would update the charter but otherwise leave the current balance of power as is.


\(^{2}\)The next section discusses the history of charter reform in Los Angeles in considerably more detail.

\(^{3}\)Senate majority leader Bill Lockyer had repeatedly blocked a floor vote on legislation that would facilitate secession.
These differences came to a head when the council rejected a proposal that the proposed charter commission's recommendations go directly to the voters without prior council approval. Instead, the council insisted, just as it had done in 1969 during the last major charter reform effort, that it have the final say on reforms placed before the voters. This position was anathema to the mayor. As a result of this disagreement, the mayor and council proceeded on separate charter reform tracks.

In mid 1996, the council created an Ad Hoc Commission on Reform of the City Charter. That commission, whose members were appointed by the council, city attorney, and city controller, began operations in October 1996. Although the mayor was entitled to make appointments, he refused to do so. The president of the city council, acting as the mayor pro tem, made those appointments instead. This commission anticipates forwarding its recommendations to the council in early 1998.

The mayor, on the other hand, ensured the establishment of a commission selected by the voters by collecting over 300,000 signatures to place an elected commission on the ballot. This second commission was elected in April 1997 and began meeting in July 1997.4 It is required to complete its work within two years of its election. To date, the two commissions have operated independently, although they have discussed sharing research.

B. Longer-Term Issues

While it may be ironic that the immediate impetus behind establishing these commissions arose from the threat of secession and conflict between the mayor and council rather than from a consensus on the need for reform or agreement on its content, it is nonetheless true that there appears to be a growing sense that the current charter no longer meets the governance needs of the city.5 Indeed, the interviews we conducted for this project indicated that a majority of our respondents felt that charter reform was clearly needed.6 Their desired reforms, however, often differed substantially.

The specific issues and reforms that have been suggested by our interviewees are wide-ranging. Nonetheless, three general categories of issues—each focusing on

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4Ironically, many of the candidates endorsed by the mayor for the elected commission were not, in fact, elected.
5Indeed, the council established a study group on charter reform in 1991, which recommended the establishment of a formal reform commission.
6As described in Appendix D, the respondents we interviewed were all familiar with, and were typically participants in, city affairs.
a different aspect of the city’s operation—encompass the vast majority of the proposals mentioned. One set of issues concerns the city’s policymaking function. Many of the community groups in the city decry their lack of input into decisions that affect their quality of life. Others, particularly those associated with the city’s enterprise departments, worry that local area residents have a disproportionate influence on decisions affecting the economic development of the city and region, such as those involving the airport and harbor. Still a third set of observers view policymaking authority in the city as overly dispersed and thus too cumbersome to produce timely policy decisions. In sum, the policymaking process embodied in the current charter is viewed as neither representative nor effective.

A second set of issues surrounds the management structure of city operations. The 1925 charter deliberately dispersed authority for management among the mayor, the council, the appointed commissions, and the general managers of city departments. Subsequent amendments to the charter have further dispersed this authority by establishing a City Administrative Officer (CAO) who reports both to the mayor and the council and by giving the council final oversight over all management decisions in the city. The result, many argue, is a system that so disperses management authority that no one institution or individual in the city actually has direct responsibility and can thus be held accountable. In addition, the charter, as originally conceived and subsequently amended, specifies in great detail how specific functions must be carried out. This inhibits the innovation and flexibility that are needed to administer the city’s operations in today’s environment.

A final category of issues involves the actual provision of city services. At least three different issues have been raised. The first involves the city’s regulatory functions—building and safety, licensing, and planning and zoning. Critics of these regulatory operations cite problems of overlapping and conflicting regulations across city departments, a cumbersome appeals process, and an undue concern with process rather than outcomes. The result, some maintain, is an overly expensive, time-consuming, and confusing regulatory regime. Others are concerned with the operations of the city’s proprietary departments—Water and Power, Airports, and Harbor. Because these departments play a critical role not only in the city’s but also in the region’s economy, some view them as having special operational and management needs. Indeed, these departments are designed, according the current charter, to be financially self-supporting. Finally,
concerns have been raised about how to maintain equity in the delivery of basic services citywide given the increasing diversity of the city’s population and its various neighborhoods. Specifically, the question is whether a “one size fits all” approach either meets the needs of the city’s residents or guarantees equity in service delivery.

Although these three general categories incorporate the vast majority of issues reform proponents have raised, two other issues—the city’s election system and the governing structure of the Los Angeles Unified School District—have received particular attention. Those who advocate changes in charter provisions related to the city’s election system bemoan the low turnout in municipal elections and seek to increase that turnout by altering either the timing or the structure of municipal elections. Although state laws govern the functions of school boards, the charter allows the city to determine the method used to select school board members.

C. Public Perceptions of Reform

The city’s charter is not the only document that lays out the rules governing the city’s operation. The city’s administrative and municipal codes also provide rules and regulations that govern how the city operates. The charter, however, has a special place both because it takes precedence over the other documents and because it can only be changed by a majority vote of the electorate. Thus, any recommendations made by the reform commissions can be enacted only if they are approved by the voters. As a result, public perceptions of the need for reform and of the merits of particular proposals will be central to the success or failure of the reform process.

In this light, it is interesting to examine survey data on public opinion concerning the charter. In March 1997, a Los Angeles Times poll queried a sample of Los Angeles City residents about the upcoming ballot measure on charter reform. Almost 80 percent of the registered voters polled had not heard or read about the ballot measure—and this percentage varied little across areas of the city and

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8Municipal elections are held in April and June and do not coincide with state and federal elections.

9Both the municipal and administrative codes can be changed by a vote of the council. One might assume that the requirement of public approval might make the charter difficult to change, but, in fact, the original 1925 charter has been amended over 400 times over the past 70 years. Virtually all of these changes, however, were designed to deal with specific features of the charter rather than to provide a comprehensive revision. The few prior attempts to comprehensively rewrite the charter have all failed.

ethnic groups. Moreover, when asked their impression of the charter, close to 60 percent of the respondents answered either that they hadn’t heard enough about the charter or weren’t sure how they felt if they had. Those who did express an opinion were split almost evenly between those who viewed the charter favorably and those who did not. In sum, while the issue of reform may be of considerable interest to “insiders,” it has very little visibility or support among the public at large.

D. Observations

The establishment of two reform commissions and the attention that charter reform has engendered has raised expectations as to the chances for comprehensive reform and what such reform might accomplish. In this context, it is worth noting that although reform of the charter can help the city deal with many of its problems, changing the city’s governance structure alone (contrary to what some may hope) will not make these problems go away. Many of the major problems facing the city, e.g., crime, poor schools, and fiscal constraints, are not directly caused by the city’s governance structure. Moreover, even those problems that might be more amenable to governmental solutions—e.g., traffic congestion or new business formation—cannot be solved without a political consensus on their solutions. Indeed, charter reform is no substitute for the hard substantive choices that Los Angeles’ elected and appointed officials, as well as the city’s residents, face.

Nonetheless, it is clear from our interviews that the current attention to charter reform has raised the visibility and expectations of at least some segments of the city’s population—particularly insiders and leaders—about charter reform. As mentioned above, the vast majority of the individuals we interviewed for this project believe that charter reform is very important and that if we don’t act now, we may be wasting a unique opportunity. Indeed, the failure to take any action may be more problematic and engender more pessimism about the possibility of comprehensive reform over the longer run than making a misstep today.

Despite this near unanimity on the need for reform, many of these same respondents believe that comprehensive reform will be difficult to accomplish. The reasons for this belief are several. First, as noted above, the goals of reform proponents often differ—sometimes, e.g., between the mayor and the council, quite dramatically. Second, while there is agreement that the city faces numerous problems, there is no clear agreement as to what these problems are—much less how changes in the charter will help solve them. Third, as the survey data cited above demonstrate, interest in and knowledge of reform issues appear
to be concentrated among a relatively small segment of the city's residents. Yet, if charter reform is to occur it must be approved by a majority of the voters. Clearly, convincing voters both of the need for reform and the merits of specific reform proposals will require a major civic education effort. Finally, with city officials and various interest groups pushing for different reform agendas and the possibility that the two reform commissions may produce different and perhaps conflicting recommendations, this education effort will be complicated.

A successful strategy for reform will likely require two separate components. The first requirement will be to produce recommendations for substantive reform. The key issue here is how the two commissions coordinate their tasks. Although it is unclear how closely the commissions can and will work together, it is important that there be consistency in the issues they identify, if not the solutions they propose. This will require a consistent discussion both of the critical issues and the options and tradeoffs those issues raise. Without substantial overlap between both commissions' views of the issues, it is difficult to see how the case for comprehensive reform can be made to a largely unaware public. If the separate commissions could agree on a common set of recommendations, it would substantially ease the task of public education and voter approval.

The second requirement involves "selling" the reform package to the voters. The leaders of the 1969 reform effort blamed their failure to gain passage of their proposed reforms on their inability to secure adequate funding to mount a serious marketing effort. Since any reform packages put forth by the commissions are likely to contain proposals dealing with technical issues that few voters will understand in detail, it seems particularly important that whatever goes before the voters have a clear theme to focus the public's attention on the need for reform. A clear theme would also help generate the type of public discussion and involvement that will be essential to secure voter approval for particular reforms. As the 1969 experience suggests, this may be especially important if particular interests organize to oppose specific reforms. Finally, given the diversity of interests involved, a successful strategy for passage will also require a concerted effort at coalition building.

One strategy that might be considered, especially if the two commissions' recommendations differ significantly, would be to approach the reform process in stages, where voters are asked first to approve those proposals where there is agreement and then to consider more-contentious issues in subsequent elections. The feasibility of such an approach, however, will depend upon whether the commissions can agree on a general approach to reform. If, for example, the commissions agree that a revised charter should focus on a general statement of
principles and functions, then some of the details can be dealt with in future elections. If, however, the current operations manual approach is retained, then it is difficult to see how a staged reform strategy would be successful. In any case, given the current state of public awareness of the reform issue, it seems advisable for the public education efforts to begin as soon as possible.

11 Alternatively, as was the case in 1924, controversial reforms can be made separate ballot measures at the same election.
3. History of Charter Reform

A. The 1925 Charter

Los Angeles adopted its first home rule charter in 1889—the city had previously been governed under provisions for incorporated cities specified in state law. The 1889 charter, which was shaped by considerations of efficiency and economic growth, established two central elements of Los Angeles' governance structure that have persisted until the present—the mayor-council form\(^2\) and the use of appointed commissions to direct the administration of city departments. Although the 1889 charter was modified repeatedly—often in conflicting ways—over the next 36 years, it remained in force until the 1925 charter was approved. During that time, many of the essential features of Los Angeles' governmental structure were incorporated within the charter, including civil service and pensions; competitive bidding; municipal water, power, and harbor departments; non-partisan elections; and the use of the initiative, referendum, and recall. Reflecting the substantial influence of the progressive movement during this period, the net effect of many of these changes was to shift power from the legislative to the executive branch and, most importantly, from elected to appointed officials. The other major influence on charter reform during this period was that of the economic reformers who were determined to give the city, rather than private interests, control over regional economic development via municipal ownership of key infrastructure.

The 1925 charter consolidated and extended the diverse changes to the charter that had occurred over the previous decades. Citing the twin needs for governmental efficiency and economic growth, and fearful of partisan and special interest politics, reform proponents institutionalized the shift from legislative to executive power and from elected to appointed officials. Contrary to the 1889 charter (and perceptions of the situation today), the mayor fared well in the 1925 charter. Administrative oversight of city departments was shifted from the legislative to the executive branch, the

\(^1\)This section draws heavily on three sources: Steven P. Erie and James W. Ingram III, *History of Los Angeles Charter Reform*; Erie et al., *Charter Wars: Charter Reform and the City of Los Angeles, 1996*, and H. Eric Schockman, *Is Los Angeles Governable?* (Also see Appendix B.)

\(^2\)The mayor, however, was given little power relative to the council in the 1889 charter.
mayor's term was four years versus two for councilmembers, and the mayor was given primary authority over the budget. The appointed commissioners fared even better. They were essentially given policymaking control over the city's departments including DWP and Harbor, which were established as proprietary departments. In sum, power was diverted from the council and diffused among the mayor, the council, the commissions, and the general managers. Underlying this was a fear of concentrating power in a single group, especially one that was viewed as susceptible to "boss rule."

The 1925 charter pursued a strong social reform agenda as well by establishing district rather than at-large elections (as a bow to "one person, one vote"), providing an anti-discrimination provision governing city employment, institutionalizing the initiative and recall processes, and permitting a form of neighborhood government by allowing borough-level powers.3

B. Post-1925 Changes

Although the 1925 charter was the last comprehensive reform effort to pass, it did not end the voters' tinkering with the charter. Indeed, reflecting what Erie and Ingram refer to as "a city obsessed with perfecting itself," about 300 separate amendments to the charter were voted on over the next 35 years, and another 250 were voted on in the succeeding 35 years. The city's voters also appear to have become more amenable to reform, since the odds of an amendment passing seem to have increased. Between 1925 and 1961, over two-thirds of the proposed changes passed; since 1961 that percentage has risen to over 80 percent. Four issues have dominated these amendments: the operations of the proprietary departments (especially in the 1925–1961 period), civil service, pensions, and elections.

Since 1960 the thrust of reform efforts has shifted. Reflecting the same concerns with efficiency and economic growth that underlie the 1925 charter, changes during the first 35 years tended to empower departments and appointed officials relative to elected officials. Over the past 35 years, however, the balance has swung in the opposite direction: Elected officials (especially the city council) have been empowered at the expense of appointed officials and department managers. Greater concern for accountability and responsiveness seem to underlie this shift. Persistence is a

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3 The provisions for boroughs were never acted upon and were dropped from the charter in 1973.
key ingredient for successful reform efforts. The council, for example, reintroduced a provision on bringing departmental managers under closer council control four separate times between 1983 and 1995 before it was finally passed.

In contrast to the increasing success of piecemeal charter changes, attempts at comprehensive reforms have fared poorly. Indeed, most attempts at comprehensive reform have never even reached the ballot. For example, both a 1941 little Hoover Commission effort and the 1963 Town Hall (or Bollens') study, never became ballot measures. By far the most far reaching effort at comprehensive reform prior to the current one was the 1969 effort, which was rejected by the voters both in 1970 and in 1971. The initial 1969 commission report, as is true of the appointed commission recommendations today, was subject to review by the city council. The council modified several of the original recommendations. The 1969 proposed reform anticipated many of the issues that are likely to be discussed by the two commissions today.4

The contrast between the relative success of piecemeal and comprehensive reform is suggestive for current charter efforts. Specific amendments focused on narrow issues stand a better chance for passage than systematic reform. This may be due to the fact that narrowly focused proposals are easier to understand (they can be encapsulated with a clear message) and are likely to trigger less opposition from a broad range of interests. Whatever the reasons, developing an active program to market the reform package after it has been produced is a necessary condition for successful comprehensive reform.

As a direct result of the success of piecemeal reform, the nature of the 1925 charter has been changed. The original 1925 charter, which spanned less than 100 pages, has grown to over 600. In the process, it has been transformed from a relatively brief statement of government to a detailed operations manual. Moreover, because of the piecemeal nature of the process, potential contradictions and inconsistencies have arisen between different sections of the charter. Indeed, although many observers bemoan the difficulty of achieving comprehensive reform, they might just as well complain that piecemeal reform has been too easy.

4A review of the original and council-modified recommendations, the issues they were designed to address, and the reasons for the proposal's failure are contained in Los Angeles City Charter Commission, Los Angeles: City Government for the Future, 1969, and Los Angeles: Work Still To Be Done, 1970.
C. Comparing Los Angeles’ Governance Structure with Those of Other Cities

The history of charter reform in Los Angeles is one benchmark for current reform efforts. A second benchmark involves comparing the governance structure of Los Angeles with those of other cities. It is often said, for example, that the mayor of Los Angeles has much weaker powers than the mayors of other big American cities. But what, in fact, is the typical pattern of government and the relative power of mayors in America’s big cities? In this section, we compare Los Angeles to other cities in two ways: First, we examine the general structure of government and next we look at reform efforts in other cities.

Most comparisons of local government structure focus on whether the city employs a mayor-council or council-manager form. Los Angeles’ use of the mayor-council form is typical of most cities its size—80 percent of American cities with more than 500,000 residents use the mayor-council form. But there can be substantial differences in governance structure between mayor-council cities. How strong, for example, are the mayor’s powers versus the council’s, how are the councilmembers selected, and how are the city’s policymaking and administrative powers divided among the executive and legislative branches?

There are at least four different dimensions that are typically used to assess the relative strength of a mayor’s powers: first, the degree to which the mayor shares executive power with other officials; second, whether the mayor has principal responsibility for preparing the budget; third, what kind of appointment power the mayor has; and fourth, what type of legislative power (in particular, veto power) the mayor exercises vis-à-vis the council.

Technically, the powers of Los Angeles’ mayor do not appear to be particularly weak when measured across these four dimensions. On at least two dimensions, budgeting authority and veto power over council

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5. The vast majority of American cities have adopted one of these two forms. (ICMA, Municipal Yearbook, 1996). However, there are a small number of cities that employ a commission form as well as some, almost exclusively in New England, that employ a representative town meeting form.

6. The council-manager form, on the other hand, predominates among smaller cities—particularly those with less than 200,000 residents.

7. We refer here to mayors in mayor-council systems. Council-manager systems typically have “mayors” as well, but those mayors are members of the council (and often elected by the other councilmembers) and thus are not directly comparable to mayors in mayor-council systems.
legislation, the mayor’s powers are comparable to those of “strong” mayors. Moreover, the city’s mayor does have appointment and removal power over general managers and commission members (although subject to council approval). However, although the mayor is the principal citywide elected official, he shares administrative responsibility with appointed commissioners, an appointed chief administrative officer (CAO), and departmental general managers. By comparison, less than 40 percent of all mayor-council cities also have a CAO. Although the use of independent commissioners is typical of Western cities, it is not a feature of the majority of mayor-council cities in the rest of the country. Despite these “official” powers, however, the mayor’s effective powers have been constrained by repeated amendments to the charter which have created a complex division of management responsibility among the mayor, the council, the CAO, the department managers, and the citizen commissions.

Indeed, the importance of appointed commissioners is a special feature of Los Angeles city government. As initially incorporated in the 1925 charter, the system of independent commissioners was viewed as a device for insuring non-partisan citizen input and control over the administration of city departments. The charter was straightforward and established clear lines of authority. Since then, however, the charter has been amended repeatedly to create a much more complex management structure. Some commissions retain their legal authority over departments while others serve in a strictly advisory role. Still other commissions have been created by ordinance and are thus subject to dissolution and reassignment by vote of the council. In fact, under charter section 32.1, charter departments can have their functions transferred to ordinance or other charter departments without voter action. Moreover, Proposition 5, passed in 1991, gives the council final review authority over all commission decisions. The net result is that administrative responsibility over departmental functions has become much more complex.

The structure and operation of the Los Angeles City Council is typical in many ways of other large cities with mayor-council systems. Councilmembers are elected by districts in non-partisan elections and have the principal responsibility for determining city policy. However, they differ from most other city councils in two respects. First, at 230,000 residents per council district, they represent much larger populations than do councilmembers in other large cities. The average for other major U.S. cities is 106,000 residents

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8Indeed, the mayor has line item veto power over the council’s budgetary legislation—a characteristic of strong mayors.

9In each case, those appointments are made by the mayor, subject to council approval.
and in other large California cities, 65,000. Second, the distinction between the council's legislative (policymaking) and administrative (management oversight) function is vague. Proposition 5 is a clear example of this.

As noted above, perfecting the city's governance structure seems to be an avocation in Los Angeles. Nationwide, cities appear much less inclined to change their governance structures. In 1986 only one-quarter of American cities attempted some form of charter reform; by 1991 that figure had fallen to one in ten (Renner and Desantis, 1994). However, Los Angeles is not alone among very large cities in attempting to modify its charter. During the 1990s, seven of the nation's ten largest cities, including New York, were involved in charter reform.

D. Observations

Although Los Angeles' charter was originally approved by the voters in 1925, it has been amended so many times over the past 70 years that its current structure is quite different from what was originally approved by the voters. These changes have not been the result of a comprehensive rewriting of the charter but rather a by-product of scores of individual charter amendments in response to specific issues and problems. The result is a much more complicated document and governance structure than the original 1925 charter.

In the process of continual revision, the charter has been transformed from a relatively straightforward document into a detailed operations manual, with a very complicated division of policy and administrative responsibility. Indeed, while the functional structure of Los Angeles' government does not differ significantly from those of other large cities, the actual operation of the Los Angeles city government appears more complex. Although complaints about the weak powers of the mayor appear somewhat overdrawn, the complex overlay of administrative authority in Los Angeles complicates the exercise of that authority and limits the effective power of the mayor.

Since this complexity is a by-product of frequent charter amendments that attempt to deal with a changing policy environment, a central issue the two reform commissions need to address is how to accommodate future changes in the city's operational environment. Pursuit of modernization in a piecemeal fashion is likely to be a futile task. This dilemma will be particularly acute if the charter remains a detailed operations manual. A clear alternative is to view the charter as a general statement of principles and to
deal with operational details by ordinance (which can be changed by a majority vote of the council) rather than in the charter (which can be changed only by a majority of voters).
4. Future Policy Environment

As the preceding discussion suggests, one of the driving forces behind the frequent changes in the city’s charter has been the attempt to accommodate changes in the structure of the city, its demography, its economy, and its general policy environment. There is little question that today’s Los Angeles is very different from the city that existed in 1925. In this section, we first document some dimensions of those changes. We then discuss how the city may change along these dimensions in the future. Finally, we explore the implications of these prospective changes for charter reform.

A. Los Angeles in 1925

Los Angeles was a very different city when the current charter was originally passed than it is today. The city’s population in 1920 was about one-sixth of its 1990 size of 3.5 million. More important, Los Angeles in the 1920s was still in the midst of one of the most impressive boom periods that any American city has ever experienced. Between 1900 and 1930, the population of Los Angeles increased tenfold from 100,000 to over 1.2 million—an average of over 135 percent per decade. During this same period, the city’s population growth was matched by its geographic expansion. Between 1890 and 1925 the area of the city increased from 29 to 410 square miles. Although the city continues to grow today, its rate of growth is much more modest—a little over 12 percent per decade since 1960. Moreover, whereas growth today is often viewed at best as a mixed blessing, growth in the 1920s was viewed “as the major business of the region, its reason for existence.” Typifying this sentiment was William Mullholland’s comment upon the completion of the Los Angeles Aqueduct, “If we don’t build it, we won’t need it.”

Then as now, a major source of population growth was the city’s attraction to newcomers. But today’s migrants differ from those of the earlier era in several ways. Most obviously, the migrants at the turn of the century came in overwhelming numbers from elsewhere in the country, especially from the Middle West. Today’s newcomers, on the other hand, are mostly

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1 Indeed, the absolute increase during the 30 years from 1960 to 1990 was approximately 1 million—only slightly less than the 1.2 million between 1900 and 1930.
2 Both quotes are from McWilliams (1995).
immigrants—primarily from Asia, Mexico, and Central America. In addition, and just as important, the migrants from the earlier era were similar in education and income to the city’s population as a whole; whereas today’s immigrants, especially those from Mexico and Central America, are less skilled and have lower education and income levels than Los Angeles’ native-born residents.

If support for growth in the 1920s focused the attention of the city leaders on building the infrastructure and industrial base needed to support the rapid demographic and territorial expansion of a burgeoning southern California region, today’s combination of much slower growth and tighter municipal resources seems to have concentrated the attention of the city’s leaders on satisfying the service delivery needs of its residents. Accomplishing this goal, however, may well be complicated by the increasing diversity of the city’s residents. Meeting the service needs of young families and older residents, of the well and less-well educated, of higher and lower income residents, especially in a period of tight revenues, is a challenging problem. This problem may well be complicated in Los Angeles, because residents seem to identify more closely with their local community than with the city as a whole. Indeed, the demand by local neighborhoods, like the San Fernando Valley, for greater city attention to their specific local needs, reflects this problem.

One factor that could complicate this problem is the city’s increasing ethnic diversity (see Figure 1). By itself, ethnicity is not particularly relevant to municipal service delivery since all city residents, regardless of their ethnicity, require city services and are entitled to access to their city officials. However, to the extent that the more direct determinants of service usage, such as age, family status, income, education, and neighborhood, vary systemically with ethnicity, then ethnicity may well assume an added political dimension. Indeed, this appears to be occurring in the city today. Policies based on

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3 Twenty percent of the city’s residents in 1920 were foreign-born, and 60 percent of those immigrants were of European heritage. In 1990, 40 percent of the city’s residents were foreign-born, and over 80 percent of these immigrants arrived from Asia, Mexico, or Central America.

4 The two age groups that use public services most intensively are the young and older populations.

5 McWilliams, writing in the mid 1950s, summarizes this tendency as follows: “Within the city limits of Los Angeles today are numerous areas that have many of the characteristics of distinct communities: definite boundaries, a common business or service district, and specific population characteristics, such as age levels, sex distribution, and so forth. There are also numerous ethnic colonies or communities. But the problem has always been to define the larger unit to which these communities are theoretically related” (McWilliams 1973, p. 235).

6 To some extent this situation is occurring in California more generally. This phenomenon is discussed in McCarthy and Vernez (1997).
satisfying the demands of specific neighborhoods, interests, or ethnic groups, to the exclusion of other areas, interests, or residents run counter to the interests of the city as a whole and all its residents. As many of our respondents told us, one of the biggest problems facing Los Angeles today is the need to develop a citywide perspective toward the challenges the city faces.

Los Angeles' economic profile has changed as well. Between 1920 and 1930, the city, spurred by the growth of the oil industry, automobile and associated manufacturing production, and the newly emergent film industry, was in the process of becoming the major manufacturing center for the rapidly growing West Coast market. Today, while manufacturing remains a major production activity, it actually employs a smaller share of the city's workforce than it did 70 years ago. Moreover, many of the manufacturing industries that were key to the city's growing industrial base, e.g., the automobile and associated metal and rubber industries, are now gone and even aerospace production, which

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7 In 1929 almost 22 percent of the city's workforce was employed in manufacturing; today less than 14 percent of the city's labor force is employed in manufacturing. The 1929 data are contained in Fogelson (1967); the current data are from Hall and Gaquin (1997).
later played such a prominent role in the region’s economic base, has been in decline. Instead, the Los Angeles economy increasingly relies on trade both with the rest of the country and, in an increasingly global economy, with the rest of the world. For example, the Port of Los Angeles (together with the neighboring port at Long Beach) moves 25 percent of the nation’s waterborne trade by value. And more tons of cargo are moved through Los Angeles International Airport than any other airport in the country. Together, these two facilities have made the Los Angeles Customs District the busiest in the nation.

Moreover, the city’s economic growth is increasingly tied to the success of smaller firms. In 1996, almost two-thirds of the employees in the Los Angeles region were employed in small firms (those with less than 250 employees), and close to 40 percent of the region’s employment growth between 1994 and 1996 occurred in such firms. However, the city has not been as successful as other communities in the county in attracting and retaining these and other firms. For example, the city’s share of county employment dropped from 46 percent in 1980 to 41 percent in 1994.

Consistent with these changes in the city’s population and economic base, the scope of the city’s government has changed as well. For example, over the last 50 years, i.e., since 1946, the number of city employees has increased by 284 percent, from 12,006 to 34,217, and city expenditures have increased even more rapidly. In nominal dollars, the city’s general fund allocation has climbed steadily: from $69 million in 1946 to $172 million in 1956 to $979 million in 1976 to $4,063 million in 1996. Increases in off-budget programs have also been dramatic. The Harbor’s operational budget in real dollars has increased by 214 percent since 1976, while the Airport operational budget has increased by 308 percent over the same period.

Equally dramatic have been the changes in the city’s political environment. These changes have taken several forms. First, the erstwhile political dominance of an Anglo elite has been replaced by a much more ethnically diverse political leadership including a variety of multi-ethnic coalitions (Sonenshein, 1993). Second, the pro-growth coalition that traditionally dominated the city and the region’s political affairs has been challenged by groups with a much more skeptical view of growth and development (see Fulton, 1997). Finally, the public’s willingness to provide relatively

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8 At the same time, the size of the police department has increased from 3,878 to 12,183, a 314 percent increase.
9 In real 1983 dollars the increase has also been dramatic: 750 percent since 1946, 55 percent since 1976.
unquestioned support of government growth and the revenues to support it has shifted. Typifying this shift and the mistrust of government that underlies it has been voter support for Proposition 13 and subsequent revenue-limiting measures (most recently Proposition 218) that have severely constrained the ability of the city (and other local governments in the state) to raise revenues to support various government initiatives. Moreover, state officials, in response to shifts in the public mood, have taken a variety of actions that have placed new constraints on the fiscal situation of the city. For example, the CAO has estimated that the city has permanently lost over $200 million per year in general fund revenues as a result of state government action (see Figure 2; Comrie, 1994).

In sum, the demographic, economic, political, and fiscal situation of the city today is very different from what it was when the 1925 charter was originally passed.

B. What Will the Future Hold?

Although it is impossible to know with any precision how the character of the city's demographic, economic, political, and fiscal environment will

![Bar chart showing cumulative revenue loss as a result of state action from 1981 to 1995.](image)

**Figure 2**—L.A. City's Cumulative Revenue Loss as a Result of State Action: 1981-1995
change, judging from current trends and available projections, we can expect
the following. First, the city’s population growth, which has slowed
somewhat over the past few decades, will continue to lag behind that of the
rest of the state and the region. However, slow growth off a large base does
not mean no growth. Rather we can expect the city to absorb at least 900,000
new residents over the next two to three decades.\(^1\) Moreover, most of those
new residents are likely to be immigrants and the children of immigrants,
leading to even greater population diversity than we now have.

The city’s economic profile is also likely to continue to develop along current
lines. According to the Center for the Continuing Study of the California
Economy, economic growth in the Los Angeles region will continue to be
driven by those industries which were most successful in weathering the
effects of the recession of the early 1990s. These industries include trade, light
manufacturing, business services, tourism, and motion picture production.

What does seem certain is that the diversity of interests represented by the
city’s political leadership will continue and, in all likelihood, will increase.
Moreover, public resistance to government spending and the associated
restraints on raising revenues seem certain to continue.

C. Implications of Current and Projected Trends for
the City’s Operation

Judging by the recent past, it seems certain that the future policymaking
environment will complicate decisionmaking. Growing levels of citizen
mistrust of government, for example, will increase demands for direct citizen
participation in decisionmaking. Indeed, this growing mistrust has already
produced structural changes, such as term limits, that force elected officials to
focus increasingly on short-term problems and solutions. At the same time,
diversity in Los Angeles is increasing along demographic, socio-economic,
and economic lines—not to mention the physical, topographical, and land use
differences among neighborhoods within the city’s 470 square miles. This
diversity and the proliferation of interest groups that have emerged on the
political scene will almost certainly make consensus more difficult to reach.

Changes in the city’s fiscal environment will continue to constrain the city’s
management options. During the last decade, these changes have taken

\(^1\)The most recent projection by the Southern California Association of Governments
suggests that the population of Los Angeles County will grow by 900,000 between 1994 and 2015
(SCAG, July 27, 1997).
several forms. First, the passage of Proposition 218 and similar revenue-limiting measures has made raising city revenues more difficult. Proposition 218 requires cities to secure voter approval before raising revenues from a wide range of sources. Second, the State of California has further limited Los Angeles' ability to raise future revenues through state preemptions that limit municipal home rule, state take-aways (such as shifting property tax revenue from cities and counties to schools), and unfunded mandates that require municipalities to absorb new functions without the revenues needed to perform those functions. Finally, the intergovernmental rules of the game (at both the federal and state level) have been in flux. California's decision to deregulate the electric power industry, for example, will have profound effects on the fiscal solvency of DWP, while the recently enacted federal welfare reform program could increase service pressures on the city (despite the fact that general assistance is a county function) by forcing the city to deal with the homeless who might otherwise be supported by general assistance.

Finally, the city's shifting customer base (we refer here both to the city's residential and nonresidential customers) will complicate future service delivery. The increasing diversity of the city's population, for example, will stress its service delivery system since, in an era in which citizens want a local government that meets their needs, "one size fits all" service delivery cannot satisfy the myriad service demands of an increasingly diverse population. Indeed, one of the most daunting challenges the city will face in the future is how to ensure equity in the delivery of services to neighborhoods and population groups who want different bundles of city services. In addition, an increasingly competitive economic environment is certain to test the city's ability to compete both globally (with other metropolitan regions in this country and abroad) and locally (with other cities within the region).

Although it is certainly not the city's responsibility to be the engine of economic growth for the entire region, the city must provide an environment in which people not only want to live but also can make a living.

In sum, these trends will make flexibility, efficiency, and cost-effectiveness both more important and more difficult to realize in the future. Trying to anticipate the detailed shape that these and other pressures will take in the future (as would be required for an operations manual) is virtually impossible. This suggests that the two reform commissions should not restrict themselves simply to trying to update the current charter to deal with today's problems. Such an approach will almost certainly require additional amendments to the charter as the city's environment continues to change. Instead, the anticipated changes in the city's composition and environment argue for an approach to
charter revision that focuses as much on equipping the city to deal with the future as on current problems.

There are several reasons for a "future oriented" charter. First, many of the city's key functions, especially those related to its infrastructure and thus its competitive economic position, require a long-term perspective. Second, focusing on the future forces the charter to concentrate on the city's basic functions such as delivering services to its residents, which are relatively constant, rather than on operations, which are necessarily more variable. Third, the experience of the past decades suggests that the charter should not require frequent updating, because regular updating leads to a piecemeal approach to charter reform. Finally, viewing the charter as an operations manual requires detailed insight into how future conditions will change—an expertise which, in fact, no one can claim.
5. Key Reform Issues

The future will not only complicate the policy environment in which the city operates, it will also compound the existing problems the city faces in the three key areas of policymaking, management, and the delivery of city services. In this section, we first discuss the current problems in each of these areas and then examine the various reform options.

A. Policymaking

In the city’s current governance structure, policymaking responsibility is divided among the city council, the mayor (who exercises veto power over city council decisions subject to a council override), and those commissions with management responsibility over city departments (subject to possible Proposition 5 council override).\(^1\) The central policymaking responsibility rests, however, with the city council. Two major criticisms are voiced against this system. First, the system is not sufficiently representative of the electorate; second, the same considerations and procedures drive the decisionmaking process regardless of whether the decision involves regional, citywide, or neighborhood level issues. As a result, local neighborhood interests play as large a role in regional as in local neighborhood issues. Although these two criticisms are related, they deal with somewhat different aspects of the city’s policymaking function.

Representativeness: Issues

At its core, the representativeness critique addresses the question: how do you ensure adequate citizen input to the policymaking process in a city as large and diverse as Los Angeles? Critics of the current system argue that neither the current council nor the commission system provides sufficient voice for citizens. The current 15-member council structure, for example, was established by the 1925 charter when the population of the city was 750,000, or approximately 50,000 residents per councilmember. Since that time the city’s population has increased almost sixfold while the size of the council has

\(^1\)In most city departments, the appointed commissions serve in an advisory rather than a direct policymaking role.
not changed. As a result, the average population per councilmember now stands at 230,000—substantially larger than any other city in the country (see Figure 3). Critics argue that this ratio is simply too large to allow councilmembers to adequately represent the diverse interests of the city’s residents.

The commission system was, of course, established to provide an alternative mechanism for citizens to have a direct say in city policymaking. However, this original intent has been affected by two developments. First, in only four departments do the citizen commissions retain actual decisionmaking rather than advisory roles in the policymaking process. Moreover, the passage of Proposition 5, which gives the city council authority to override all commission decisions, has effectively weakened the commissions’ direct policymaking role. Second, when the commission system was initially established, the fact that the commissions were staffed by non-politicians was considered an adequate guarantee that the citizens’ voice would be represented in the decisionmaking process. That assumption no longer holds and many observers today would contend that the demographic and

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Figure 3—Population per District: 1920 to 2020

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\(^2\) Indeed, if the city’s population grows according to current state projections, the number of residents per council member will climb to 300,000 sometime during the next 15 years.
geographic representativeness of commissioners should more closely reflect the diversity of the city. Instead, the current commissioners are judged by some to be quite unrepresentative of the general population both in terms of demographic composition and geographic location (Schockman, 1997). Indeed, many city residents seem to believe that the only way to ensure adequate representation for residents in the decisionmaking process is to allow for direct citizen participation in that process—either in an advisory or a direct decisionmaking capacity.

A slightly different take on the representativeness issue is raised by those who maintain that although the city council maintains the central legislative and policymaking role in the city, the fact that the council also has a significant oversight and management role diverts its energies and attention away from policymaking into these other activities. The result is that the city council does not spend sufficient time on policymaking per se. These observers argue that, in addition to whatever other steps might be taken to increase the representativeness of the decisionmaking process, the city council's responsibility ought to be focused on its legislative or policymaking role.

**Representativeness: Options**

This issue revolves around the question of how to increase residents' voice in policymaking. The city's current system relies on a representative approach in which citizen input to the policymaking process is mediated through elected or appointed representatives. The first question that must be addressed is: *Does a representative approach provide sufficient opportunities for citizen input into the policymaking process, or do citizens also need to have an opportunity to participate directly in that process?* In either case, this first question leads inevitably to two additional questions that are likely to be at the heart of the charter reform debate about this issue: How can the current representative system be made more representative of the diverse interests in the city? And what form should direct citizen participation in policymaking take?

Since the current system relies on the city council and the various commissions to represent the interests of the city's residents, the central issues for the two charter reform commissions focus on these two institutions. In terms of the city council, the central questions include:

- Should the council be expanded and, if so, by how many members?
- Should some councilmembers, e.g., the president of the city council, be elected at large in addition to those elected on a district basis?
A related issue concerns the budgets that are devoted to city councilmembers' staffing. If the council were to be enlarged but the size of the support budgets allowed councilmembers were reduced, it is entirely possible that the range of activities in which councilmembers are currently engaged also might be reduced. This possibility might, in turn, be associated with a move to emphasize the council's legislative/policymaking role and a reduction in its management role.

The city's use of commissions to manage departments was clearly established to provide citizen input into the policymaking process. However, the city's reliance on commissions to manage city departments has been eroded over the years until currently only four of the city's departments are still managed by commissions. Moreover, Proposition 5 has given the city council final oversight even over the actions of those commissions. In addition, broader questions have been raised as to whether any set of "elite" commissioners can accurately represent the diverse interests of the city's residents. Accordingly, the charter reform commissions need to address the following question:

- Should the role of city commissions be retained, deleted, or changed?

Embedded in this question are related questions about whether any changes that are introduced are made uniformly or whether certain departments, e.g., Police, DWP, Harbor, Airports, Pensions, should be treated differently from other departments.

The immediate impetus for charter reform lies, of course, in residents' unhappiness with their ability to affect city policy directly. This unhappiness underlies the Valley secession movement as well as the calls for neighborhood councils. Increasing direct citizen input into the policymaking process, however, requires dealing with a range of questions including:

- What form would such councils take?
- Would their roles be advisory or would they have direct decisionmaking authority?
- How would members be selected for such councils?
- How many councils would be created and how would the areas they cover be identified?

In addition, legal constraints on delegation of authority, whether citizen councils are mandatory or voluntary, and how to deal with the possibility that only the most vociferous or unhappy residents are represented are related
issues that need to be addressed. A final consideration is how the decentralization of power implicit in neighborhood councils will affect the development of a broader citywide perspective on issues that affect the city as a whole and its role in the broader Los Angeles region.

Matching Decisionmaking with Functions: Issues

The second criticism of the city's current policymaking function is that it fails to recognize the diversity of activities in which the city is engaged. Indeed, the city currently provides services on three different geographic scales. Certain city functions, such as the airport, the harbor, and the DWP (with impending energy deregulation), serve both a citywide and a regional clientele. Other functions, such as the police and fire departments and the department of public works, operate at a citywide level. And still other functions, such as planning, building and safety, and street maintenance, have their greatest effect at the neighborhood level. Yet, policy decisions about all of these functions are made in essentially the same way and focus on the city council. This process fails to recognize that the clientele for these functions differ, as does the relevance of decisions to different groups of residents.

Our research uncovered several potential governance and service problems at the regional level. Many of the city's proprietary departments, for example, play a very important role in the Southern California economy and affect the region's comparative economic position in an increasingly global economy. Yet there really is no effective regional decisionmaking body that is capable of coordinating the region's airports and harbors. There are, of course, single-purpose regional agencies like the Metropolitan Water District of Southern California, but their functions are limited to a single functional area. The Southern California Association of Governments (SCAG) is to some extent designed to perform a regionwide planning function, but its ability to play this role is constrained by the need to satisfy the individual interests of the multiple jurisdictions that pay its bills. Moreover, when the city does get involved in joint undertakings with other Southern California governments, it is unclear who speaks for the city as a whole. City councilmembers' primary function, some maintain, is to represent their neighborhood constituents rather than citywide interests. Indeed, one complaint voiced about the city council's approach is that councilmembers who represent districts in which proprietary department facilities like the airport and harbor are located

3 Other regional special districts include the South Coast Air Quality Management District (SCAQMD) and the Los Angeles County Metropolitan Transportation Authority (MTA).
typically emphasize the interests of their district constituents rather than those of the city as a whole—much less the interests of the region. Ironically, this produces a situation in which neighborhood interests have too large a voice in deciding regional issues but not enough voice in decisions about local neighborhood services.

The mayor is the only elected policymaking official who represents the city at large.\(^4\) However, his responsibility for regional policymaking is not clearly identified in the city charter. As a result, there is too little emphasis given to a citywide perspective in decisions about regional and citywide service delivery. Thus, it is difficult to get clear and timely decisions from city officials on regional issues.

This predicament is cited as justification by advocates of at-large council seats or electing the president of the city council on an at-large rather than a local district basis. The need to reinforce such a citywide perspective may be particularly important in Los Angeles given the tremendous and growing diversity of its population and the propensity of its residents to identify more with their neighborhoods than with the city as a whole.\(^5\)

At the other extreme, the combination of the city’s tremendous socio-economic, demographic and physical diversity and the very large populations of individual council districts makes it much more difficult for individual neighborhoods to have an effective voice in the delivery of services at the local level.\(^6\) Providing meaningful local area input to neighborhood service delivery is likely to be further complicated by equity constraints that the city must consider in determining the level and bundle of services delivered to localities. The courts, for example, are rightly concerned about complaints from minority residents (and others) about uneven service delivery across neighborhoods. However, although a “one size fits all” service delivery strategy may ensure an equitable pattern of service delivery, it will not necessarily provide the bundle of services that demographic or neighborhood groups actually desire. Optimally, a system that allows different areas to receive an equivalent bundle of services—even if the components of that bundle differ across specific areas—is likely to produce a higher overall level

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\(^4\)The city attorney and city controller are also elected citywide but their functions are more regulatory than policymaking. Although the city attorney is making policy when interpreting the charter, these are different types of policy decisions.

\(^5\)The most typical example of this phenomenon is the tendency of Los Angeles residents to cite their neighborhood or local area when asked where they are from.

\(^6\)In the course of our research, we surveyed a large number of individual homeowner and resident groups in the city. Typically, these associations represent between a hundred and a few thousand households. Yet councilmembers each represent close to 230,000 residents.
of citizen satisfaction than the current "one size fits all" approach. Clearly, this is a difficult requirement but a decisionmaking process that allows local areas a greater level of input into what services they actually receive may be a step in the right direction.

**Matching Policymaking with Function: Options**

The key issue here is how to create a more appropriate fit between the policymaking process and the scale of the service function. In particular, is enough attention given to regional, citywide, and neighborhood perspectives in policy decisions relating to each of these respective levels of service? Accordingly, the two reform commissions need to address the following questions:

- How can regional cooperation be improved?
- Who should be responsible for representing the city’s interests in cooperative regional endeavors?
- How can residents' identification with the city as a whole be increased?
- Should some members of the city council be elected on an at-large basis to increase the citywide perspective in policymaking?
- Should the city consider some type of borough organization or neighborhood councils to increase local residents’ input on neighborhood issues?

Each of these questions raises a series of associated issues. For example, the issue of regional cooperation raises such questions as: Is the discussion of charter reform the appropriate place to discuss issues related to regional cooperation? Or should there be an office of regional affairs in the city government? Similarly, the issue of making sure the citywide perspective is adequately represented in policy decisions raises such questions as: What are the voting-rights act implications for maintaining adequate minority representation in a city council that contains both district and at-large councilmembers? Finally, how does the borough concept fit with the issue of neighborhood councils? In principle, the two are not mutually exclusive since boroughs can be organized as groups of council districts and/or neighborhoods. Indeed, boroughs might presumably serve as organizing units that are substantially smaller than the city as a whole but larger than the

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7Currently one-third of the largest 20 American cities have a mixed district and at-large council system.
neighborhoods. As such, the neighborhood might serve as a useful building block for constructing boroughs. In any case, the issue of boroughs raises the following questions: How would they be identified and structured (groupings of neighborhoods)? What issues and powers might be delegated to boroughs? Alternatively, should a city ombudsman's office be established?

The issue of adjusting decisionmaking procedures to the level of the function performed raises a more general issue of whether the city should consider a multi-tiered decisionmaking process with different participants and processes for regional, citywide, and neighborhood-level policies.

B. Management

A second set of issues involves the management of city operations and the degree to which the city's current governance structure promotes the amount of accountability, flexibility, innovation, and efficiency needed to deal with the city's changing fiscal and operational environment. The previously noted combination of fiscal limits, state mandates, and changing rules of the game will increasingly force the city to manage its resources and operations more efficiently. Three aspects of the city's current management operations are of particular concern: What is the appropriate level of checks and balances to ensure greater accountability? What level of detail should the charter specify in terms of city operations to facilitate the degree of flexibility and innovation required by its changing environment? And how should the city manage its labor force to produce the greatest possible level of efficiency?

Checks and Balances: Issues

The current charter divides management responsibility among the mayor, the council, the commissions (both managing and advisory), the CAO, the controller, the city treasurer, and the managers of the city's various departments. All have some degree of oversight over the delivery of city services. The result is a management system in which authority is so dispersed that no one really has responsibility, and thus no one can really be held accountable.

The core of this issue is the separation of powers between the executive and the legislative branches of city government. Believers in a strong executive assert that accountability is best enhanced by a clear separation of powers between the mayor and the city council, with the mayor responsible for the execution of city policy and the council responsible for determining what that
policy should be. Such a clear division of authority assigns direct responsibility to specific offices and thus increases accountability to the public for the performance of city services. Believers in a weak separation of powers fear that too great a concentration of powers in a single office increases the possibility of misuse of that power and thus contributes either to corruption or to the arbitrary execution of public policy.

Although this issue is sometimes reduced to a question of the balance of management authority between the mayor and the council, in fact there are several different dimensions along which to differentiate cities in terms of the separation of powers. Since the executive function in all large cities includes not only the mayor but also a host of general managers who administer city departments, perhaps the clearest dimension along which to draw distinctions involves the lines of reporting responsibility. Do the general managers report directly to the mayor, to the city council, to a board of commissioners, or to some combination of the above?

Formal lines of reporting responsibility, however, do not completely capture the actual lines of authority, since without the power to reward and sanction performance (including, of course, the power to hire and fire) mayors in fact may exercise limited authority over their department managers whatever the formal reporting responsibility. Thus, if a mayor has formal authority over department managers but the mayor’s ability to reward or sanction those managers is subject to council or commission approval (as is in fact the case in Los Angeles), then the mayor’s executive powers are reduced accordingly. Indeed, one of the comments we heard from some department managers was that they found themselves reporting to the mayor, the council, and their commissions.8 Because the mayor and council exercise veto power over their dismissal or reassignment, in essence they were accountable to all but directly responsible to none.

A somewhat similar situation exists with the CAO (a position created by charter amendment), who is responsible for helping the mayor prepare the city budget and oversee the administration of city departments. Although technically a member of the city’s executive branch, in fact the CAO reports both to the council and the mayor and thus the mayor’s formal budgetary authority is somewhat reduced. A final aspect of separation of powers is the degree to which city personnel are bound by specified criteria in dealing with

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8The city commissioners are appointed by the mayor subject to council approval.
problems versus the degree to which they are given flexibility to arrive at their own method of implementing city policy.

Although this discussion has focused on the issues of responsibility and lines of authority among the mayor, the council, commissioners, and general managers, a similar situation exists with regard to the city treasurer, the city controller, the fiscal officers of city departments, and the city council (which must approve all expenditures above a certain level). Currently, the city treasurer, who is appointed by the mayor, performs an accounting function (writing the checks and making sure the books balance), while the city controller, who is elected by the voters, performs more of an auditing function (determining if the expenditure is legitimate and justifiable). Although different in some respects, these two functions are clearly related and both are performed in addition to what the chief financial officers of the relevant departments do and the charter requirement that the city council must approve all expenditures above some stated amount. In sum, the issue of accountability and responsibility is also an issue with the city’s expenditure of funds.\textsuperscript{9}

To a large extent, this situation reflects the intent of the framers of the 1925 charter, who purposely dispersed management authority to minimize the potential for corruption that might be created by centralizing management responsibility in a single position. This situation has been further complicated by amendments to the charter that have created new oversight positions (e.g., the city’s administrative officer), given the city council additional oversight responsibilities (e.g., Proposition 5), and introduced checks and balances in the form of control over appointments, and multiple lines of reporting for city managers. By and large, however, the original intent of the framers of the 1925 charter seems to have been met. Los Angeles municipal government has been remarkably free of corruption. Yet, what is often regarded as the city’s most corrupt administration, that of Mayor Frank Shaw in the 1930s, occurred shortly after the passage of the 1925 charter. Finally, modern management and accounting practices seem to have reduced the possibility of corrupt practices that so concerned the framers of the 1925 charter.\textsuperscript{10} Thus, the question arises whether this dispersion approach serves the interest of the city.

\textsuperscript{9}One city official complained to us that this slows down appreciably (as much as two to three months) city expenditures that may need to be made on a much more rapid basis.

\textsuperscript{10}Indeed, the principal concern with influence peddling today seems to focus on campaign contributions and the uneven access thus provided to specific interest groups.
Checks and Balances: Options

The core question about the dispersion of management authority in the charter is whether the current system of checks and balances so disperses management responsibility that no one can in fact be held accountable for the management of the city's operations. The key question for the reform commissions then is: Should administrative responsibility for the city's operations be more centralized? This general question leads to a series of more specific questions, including:

- Should the mayor have more administrative power and, if so, which powers of the mayor should be increased, e.g., appointments, budgeting, control over department heads?
- Should the council's primary role be legislative rather than administrative? Should its management oversight powers be reduced?
- What oversight and management responsibilities should the commissions possess?

These questions refer to the general administration of the city. But similar questions can be raised in terms of the city's fiscal control functions and the division of responsibility among the city controller, the city treasurer, and the city departments. The questions here are:

- Should the city's fiscal control functions be reorganized?
- Should the city controller be elected or appointed by the mayor subject to council approval?

Philosophy: Issues

The current system of checks and balances embodied in the city's charter and its applicability to a changing administrative environment raise a related but more general issue: What should be the philosophy behind the city charter? The detailed character of the city's current charter, which often prescribes in considerable detail the procedures the city should use in dealing with a specific issue, has made the charter more of an operations manual than a statement of governing principles. In this sense, the city's charter differs dramatically from the U.S. Constitution, which briefly enunciates a series of general governing principles, including a statement of basic rights, and leaves the details to be filled in by specific legislation.
Underlying these approaches may be two very different philosophies of government. The detailed approach embodied in the current city charter in essence limits the discretion and powers (and thus the flexibility) of governmental officials. It implicitly adopts a pessimistic view of government—whose role should accordingly be limited and constrained. The general principles approach, on the other hand, adopts a much more enabling approach to government by specifying the general maxims that should guide officials and giving officials the discretion (and flexibility) to determine how to apply those principles to specific circumstances. This approach implicitly adopts a more favorable view of government as a potential problem solver that should be given the flexibility to act accordingly—although within the guidelines set forth in policy. In practice, this difference comes down to two questions: First, how much flexibility should government officials be given in executing policy? Second, should the constraints on officials’ discretion be incorporated in the charter, and thus difficult to change; or specified by legislation, and thus more easily changed?

In addition to these differences in philosophies, the two approaches have very different implications for government operations and the nature of the charter. An enabling approach focuses on what functions government should perform; a restrictive approach focuses on how those functions should be performed. An enabling charter is short on details and long on principles; a restrictive charter is the opposite. An enabling charter, because it focuses on general principles, is adaptable to a variety of circumstances; a restrictive charter, because it attempts to specify relatively detailed procedures for each circumstance, may require frequent amendments to deal with changing circumstances.

Indeed, as suggested above, the need to frequently amend the charter to deal with changing circumstances raises the possibility that inconsistencies will develop as changes in one specific feature of the charter subsequently affect other functions and operations. This, in turn, increases the need for frequent rulings on what the charter does and does not allow and how apparent inconsistencies should be adjudicated. Currently, this adjudication role is served by the city attorney, who is elected by the voters. If the charter were to be made a more general statement of principles, some have suggested that the city attorney’s role would be reduced accordingly. This, in turn, has led

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11 The city attorney also serves a prosecutorial role, since this office is responsible for prosecuting misdemeanor offenses. In the past, Los Angeles had split the city attorney’s function into two separate positions—one serving as the city’s attorney and adjudicator of disputes related to the interpretation of the charter, the other as city prosecutor.
to suggestions that the city attorney's position should be made an appointed rather than an elected position.

A final issue that would need to be addressed, were the charter to be redrafted as a general statement of principles rather than a detailed operations manual, is which issues should be addressed directly in the charter and which should, instead, be the subjects for ordinances and the city's municipal code. A major difference between ordinances and the charter is the process involved in changing them. Since the charter has been approved by the voters, it can only be changed by the voters, whereas an ordinance can be changed by a vote of the city council (with the mayor's concurrence). Thus, it is much easier to change an ordinance than the charter.

**Philosophy: Options**

As previously noted, the current city charter has become a detailed operations manual which spells out not only what city functions are to be performed but also who will perform them and how. As such, it has become a long and complex document that serves more to restrict than promote the flexibility of city officials. Moreover, inconsistencies between different sections of the charter require the city attorney to act as the principal arbiter of the charter's meaning. This feature of the charter stands in contrast to the general trend in other cities towards shorter, more straightforward charters that concentrate on general principles rather than on operational detail. It also stands in sharp contrast to the U.S. Constitution, which lays out general principles and leaves the details to legislation.

The central question the two charter reform commissions must address is: *Should the charter be an enabling or a restrictive document?* This question, in turn, leads to several others, including:

- Should the charter contain a statement of goals and principles of operation?
- Should it contain a statement of residents' rights, i.e., a statement of what the city's residents should expect from the city?
- Which elements of the city structure, function, and operational procedures belong in the city charter and which should be dealt with in the municipal code and by ordinance?
- If the charter becomes a more general statement of principle, should the function of the city attorney be modified accordingly? In particular,
should the city attorney’s role as prosecutor be separated from his/her role as lawyer for the city?

**Personnel Policy: Issues**

The third management issue revolves around the city’s personnel practices, specifically: Should city personnel issues (like pension, retirement, general civil service rules, etc.) be covered by ordinance or included in the city charter? Currently, most of the city’s personnel issues are governed by regulations in the charter. Indeed, two of these issues, pensions and civil service procedures, have generated a steady stream of charter amendments over the years—primarily to deal with retirement benefits and coverage. In part, this circumstance reflects the intent of the framers of the charter and in part the attempts to protect pensions, work rules, and other workers’ benefits from being changed by opportunistic or fiscally pressed elected officials.\(^\text{12}\)

The issue here is not what the specific provisions of the city’s personnel policies should be but rather whether such items as pensions, retirement, work rules, etc. belong in the charter or in the municipal code. Resolution of this issue will also affect such issues as: How much flexibility do departmental managers and others have with regard to rewarding and punishing civil servants? How much flexibility should managers exercise in establishing work rules? Which employees should be incorporated within civil service and which should be exempt? What guidelines should be established for contracting out and privatization? Are collective bargaining and civil service redundant? To the extent these issues are incorporated within the charter, they need to be resolved in a general fashion. To the extent they are handled in the municipal code or by ordinance, they can be dealt with as each issue arises.

**Personnel Policy: Options**

The city’s current personnel policies, as spelled out in the charter, are a complex web of personnel procedures, pension programs, civil service rules and regulations, and collective bargaining procedures. Because changes to the charter must be approved by the voters, it is difficult to rationalize the city’s relations with its employees. As a result, the charter reform commissions

\(^{12}\text{This issue is of great importance to public employee unions, which have frequently argued for incorporating aspects of workers rights and duties in the charter, thus making them less susceptible to change without a vote of the people.}\)
need to consider whether the details of the city's employment and pension programs belong in the charter or whether they should be a matter for ordinances. One alternative, for example, would be to include a general statement of city employee relations and collective bargaining rights in the charter and leave the implementation to specific ordinances. The concern of city employee unions that such a shift might make employee benefits a hostage to short-term council needs to solve budget problems could be forestalled by requiring a council supermajority to change personnel policies. Some of the other issues that need to be addressed in this context are:

- Which personnel policies should be a matter for the charter and which for the municipal code or specific ordinances?
- Are civil service and collective bargaining protections redundant?
- Should pensions/retirement be removed from the charter?
- Should the city's ability to contract out be increased?
- Which city administrative positions should be covered by civil service protections and which should be subject to direct oversight by the mayor and city department heads?
- If personnel policies are made a matter of code or ordinance, should they require an extraordinary, e.g., two-thirds, majority vote by the city council?

C. Service Delivery

In addition to policymaking and management, the discussion of charter reform also raises issues about specific services. Our interviews with knowledgeable governmental and non-governmental informants indicate that, as least as far as they were aware, the citizens of Los Angeles are generally satisfied with most of the services they receive. Where complaints arise, they tend to be related to the frequency or availability of specific services, rather than to the nature of the service per se. Thus, our respondents told us that they were generally satisfied with street sweeping and repair, libraries, tree trimming, fire protection, roads, recreation and parks, etc. Their complaints about these services were usually related to the frequency, rather than the quality, of the service, and thus were as much complaints about the budgetary constraints under which the city is operating. Moreover, although there is
considerable public concern about crime, these concerns are not directly related to the charter. There are, however, three major areas with strong charter/service linkages: the city's proprietary departments (Airports, Harbor, and DWP), the city's regulatory departments (Planning, Building and Safety, and Licensing), and the city's ability to deliver the mix of services that citizens actually desire.

The Proprietary Departments: Issues

Although city government does not generally play a direct role in providing employment to the city's residents, city government does have an important role to play in the overall economic life of the city and the region through policies that facilitate economic activity. Indeed, Los Angeles city government has a responsibility not just to provide an environment in which its residents want to live but also one in which they can make a living. In this context, the city's proprietary departments play a special role, because an increasing proportion of the city's and the region's economy is dependent upon trade both with the rest of the country and, increasingly, with the rest of the world. The city's ability to retain and attract trade is directly related to the success of the Port of Los Angeles and Los Angeles International Airport.

The situation with regard to the Department of Water and Power is somewhat different. Although DWP also serves an important role in the economy of the city, it faces special challenges in light of state deregulation of the power industry in 1998. DWP currently holds a monopoly for supplying power to residential and nonresidential customers in the city. It is required by law to cover its costs, but the city council establishes the rates that its customers pay. The rates currently established subsidize DWP's residential customers at the expense of its business customers. When deregulation goes into effect, however, the DWP will lose its monopoly and face the prospect that some of its customers, particularly large industrial and commercial customers who are now paying higher rates, will opt for other power suppliers. This could well create severe financial problems for DWP.

The central issue for the proprietary departments is whether they merit special treatment. Currently, all three proprietary departments operate semi-independently of the city. They are managed by independent commissions but are governed by many of the same procedures as other city departments.

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13 This point is amply demonstrated by various public opinion polls. (See Los Angeles Times polls.)
14 With the obvious exception of the city's approximately 35,000 employees.
Yet their budgets are kept independent of the city’s general fund, and their revenues cover their costs plus an annual return that is used to finance debt service and to reinvest in new plant and equipment. In recent years, however, the city has attempted to extract part of the proprietary departments’ revenue as a form of shareholder return on equity to the city’s general fund. Although these attempts have not generally been successful, a central question remains as to these agencies’ appropriate status. Should they be operated as private businesses? As privately operated but publicly owned enterprises or as publicly owned and operated utilities? The city charter clearly regards them as publicly owned enterprises and establishes clear limitations on the city’s ability to privatize them. However, particularly in the case of DWP, changing circumstances raise questions as to whether their current public operating status can continue. Regardless of their status, however, the question remains: How should they be treated as compared with other city departments? The answer to this question will affect such aspects of their operation as the process used to appoint commissioners and key management personnel, how their rate structures are set, personnel and purchasing, and a host of other operational issues.

The Proprietary Departments: Options

As described above, the city’s proprietary departments play a special role in the economic life not only of the city but also of the entire region. Moreover, they face special problems, as is most evident in the case of the DWP and the forthcoming deregulation of the power industry. The city, in fact, recognizes their special status by requiring them to be self-supporting and by giving managing authority to the commissions that oversee their operations. However, disputes have occurred between these departments and the city over such issues as whether they should distribute some portion of their revenues to the city’s general operating fund as a form of return on equity; who should set fees and according to what principles; and whether these departments should be governed by the same set of operating regulations as other departments. In light of these issues, the two reform commissions need to take a special look at the city’s proprietary departments and consider the following questions:

• Should these departments be run like private businesses and thus given greater autonomy, or should they be subject to the same rules and regulations as other departments?
• Should the city take any special actions with regard to these departments, especially the Department of Water and Power, in light of deregulation?

The Regulatory Agencies: Issues

Policies that affect the city’s business climate, especially vis-à-vis surrounding communities, will affect the city’s ability to attract its share of regional businesses and thus the number of jobs available and the levels of economic activity and taxable revenue within the city. Of particular importance are the city’s regulatory departments, i.e., Planning, Building and Safety, Engineering, Transportation, and Business Licenses. These are the key city agencies controlling new business growth and are often viewed as the most troubled of all the city’s services. Moreover, a recent report by a commission established by the city council and mayor to analyze the problems of these agencies notes that the city has been losing its share of new business development and details a list of problems facing these regulatory agencies (City of Los Angeles, Development Reform Committee, 1995).

Included in that list are the following items: The city’s current regulatory regime consists of overlapping agencies often imposing contradictory sets of regulations.\(^{15}\) Applicants for various types of permits may be required to visit several different agencies located in different areas of the city because the districts used by different city agencies are not congruent. The regulatory criteria used in safety regulations do not incorporate cost/benefit tradeoffs. Although the city has a general plan, the zoning process is often conducted on a variance basis with such a lengthy and multistage review process that an applicant is never sure of his or her entitlement until the final appeal is completed. The city council serves as the appeals board for planning and zoning decisions with the result that the council spends a very large share of its time questioning zoning decisions. In addition, the centralization of the planning process raises the question of inadequate citizen input at the neighborhood level. Indeed, although there may be no issue of greater importance at the neighborhood level than planning and zoning, apart from appeals to their councilmembers city residents have very little input into this process. In sum, the city’s current regulatory function appears to be broken and in need of repair. Although most of the actual regulations are spelled out

\(^{15}\) The approval and permitting process for various types of new construction, business expansion, home remodeling, etc., may require permits and approvals from at least 13 different city departments and agencies” (City of Los Angeles, Development Reform Committee, 1995, p. 5).
in ordinances (not in the charter), the overall organization of this function is structured by the charter.

*The Regulatory Agencies: Options*

The city’s regulatory activities (e.g., planning and zoning, building and safety, licensing) are in need of reorganization. Although the details of most regulation are subjects for specific ordinances, the organization of these functions is governed by the charter. Thus, the two reform commissions need to consider how the performance of the city’s regulatory responsibilities can be improved. Although the reform commissions should not get into the detailed operations of this function, they need to consider the following questions:

- Should the city’s regulatory functions be reorganized?
- How can the regulatory functions be coordinated and streamlined?
- How can the planning and zoning process be simplified?
- What should be done to make the regulatory requirements of the city more transparent to the city’s residents?

In addition, if the policymaking authority for neighborhood services is decentralized through the creation of boroughs or some type of neighborhood councils, the commissions also ought to consider how that reorganization can be coordinated with these regulatory functions.

*Neighborhood Service Mix: Issues*

Although, as previously suggested, most of the respondents we spoke with expressed general satisfaction with the overall character of the services delivered at the neighborhood level (with the few above-noted exceptions), city residents are not necessarily pleased with the “one size fits all” character of neighborhood service delivery. The problem is not so much with any particular service as with how those services are bundled at the neighborhood level. The city’s “one size fits all” approach to service delivery fails to capture the diversity of service needs across the city’s different neighborhoods. Some neighborhoods, for example, may prefer more resources devoted to libraries and parks, while others may be more concerned about police protection or street repair. Given the physical and demographic diversity of the city’s neighborhoods, it is unlikely that a uniform bundle of services will satisfy
those diverse demands. This problem provides another rationale for allowing
greater resident input on service delivery.

**Neighborhood Service Mix: Options**

Perhaps no aspect of the city’s operation is of more direct concern to its
residents than the delivery of services at the neighborhood level. Indeed,
residents’ concerns about citywide policymaking as implemented at the
neighborhood level and as manifest in neighborhood service delivery are,
perhaps, the most important reason for secessionist demands by Valley
residents and others. Clearly, both reform commissions must consider how to
accommodate the specific concerns of the city’s diverse residents and
neighborhoods—for a greater say in decisions affecting their local areas and
about the mix of services they need. Accommodating legal requirements for
equity in service delivery while simultaneously meeting the diverse needs of
the city’s residents is a substantial challenge but one the reform commissions
must address. Two issues that should be considered in this context are:

- How can a “one size fits all” service delivery strategy be modified while
  ensuring equity in service delivery?
- How much authority should be delegated to city employees in the
  provision of services at the local level and how can those employees be
  held accountable?

This may be one of the most challenging issues facing the two commissions.

**D. Other Issues and Options**

Given the size and diversity of Los Angeles, the preceding analysis does not
pretend to capture the entire range of specific suggestions and issues for
charter reform. However, the analysis does cover most of the major issues
that we have uncovered during our research, with two notable exceptions:
the time and form of city elections, and the rules governing the selection of
the Los Angeles Unified School District (LAUSD) board. These two issues are
briefly discussed here.

The generally low turnout in most municipal elections is a cause for concern
among many observers. The typical turnout in most city elections is less than
30 percent of eligible voters. As a result, some have suggested that the two
charter reform commissions should examine whether either the timing or the
form of municipal elections should be changed. Currently, the city holds
municipal elections in the spring of odd-numbered years. Since this does not coincide with general federal and state elections, this procedure is designed to highlight municipal issues separately from federal and state issues. However, it also means that except in years when citywide offices are being contested, voters in some districts will have neither a council seat nor a citywide office on the ballot. Some have cited this fact as one of the reasons for the low turnout in municipal elections and have suggested that municipal elections be moved to November of even-numbered years to coincide with state and federal elections. Others have suggested that the non-partisan character of municipal elections also reduces voter interest. In part, this suggestion may be triggered by a 1996 federal court ruling that gives political parties the right to endorse candidates in non-partisan elections in California.

Although the governance of the Los Angeles school board is controlled by state law, the city charter does specify the criteria that are used in selecting the members of the school board. This includes the number of board members and whether they are selected on a district or at-large basis. Since the quality of education provided by LAUSD is an issue of considerable concern to many city residents, some have argued that the charter reform commissions should consider changing the procedure used to select school board members. It is important to recognize, however, that such a procedural change would not affect the operation or the policies of the school board.

The relevant questions here are:

• Should the timing and structure of municipal elections be changed?
• Should the charter change the structure of the selection of the LAUSD board of education?

16Non-partisan municipal elections are the norm in California.
6. Conclusions

As the preceding discussion makes clear, the range of issues that are potential candidates for charter reform is extensive. Moreover, expectations for reform are high, at least among certain segments of the community. Yet, there is no obvious consensus within the community on either the top priorities for reform or the shape those reforms should take. Indeed, many if not most of the community’s residents are neither knowledgeable about the issues nor convinced that reform is needed. This situation creates a real challenge for the two reform commissions and supporters of reform more generally.

Consequently, charter reform will need to be tackled in two stages: the first devoted to arriving at a series of recommendations for reform; the second, to educating the public about the issues. Each of these stages will, in turn, involve several different tasks.

At the risk of restating the obvious, the process of arriving at a series of recommendations should begin by recognizing the diverse perspectives on these issues. While it is clear that various interests within the city will have different perspectives on reform issues, we believe that it also important for the commissions to recognize as well that the city operates at three different levels: as part of a larger region, as an independent city, and as a collection of neighborhoods. The various issues considered as part of the reform process may have very different implications for the city’s operations at these different levels. And the reform commissions need to consider them. As virtually all of the leaders we interviewed recognized, one of the central problems facing the city is that the centrifugal pressures of diversity (demographic, economic, and geographic) threaten the residents’ identification with the city as a whole.

A second step in parsing the various reform issues is to consider how important the various issues are to the city’s operation at all three of these levels and to the central mission of the city. Clearly, the commissions will have to prioritize the issues, and this can provide a guide to that exercise. Third, the commissions should consider whether an issue should be dealt with in the charter or whether it should instead be a topic for an ordinance. Only those issues that are central to the charter need be solved in depth for the reform effort. Detailed resolution of issues that are more properly dealt with by ordinance can be deferred. Finally, although political factors should not
dominate the commissions' deliberations, the commissions need to consider the divisiveness of issues versus the degree to which the issues lend themselves to consensus and coalition building.

In many ways, the single most important question facing the two commissions concerns the nature of the charter. The current charter's detailed "operations manual" approach to governing does not serve the city well. It limits the flexibility and efficiency the city's elected and appointed officials need to manage an increasingly diverse city in a period of growing fiscal stress. It also limits the degree of citizen participation in city government and makes it difficult for the city's residents to hold its public officials accountable for their performance. It lends itself to frequent ad hoc amendments to deal with inconsistencies and changing circumstances and, in essence, requires city leaders to possess what no one can accurately claim: an understanding of the future. A more sensible approach would be for the commissions to adopt a more flexible and enabling charter that contains a set of general governance and organizing principles and leaves the details to be filled in by ordinance.

Whatever recommendations the commissions produce must, of course, be approved by the voters. This will require an education effort quite apart from the process of arriving at substantive recommendations. Indeed, given the expectations that some community leaders hold, the first aspect of this educational task is to set reasonable expectations about what charter reform can accomplish. As we stated earlier, charter reform is not a cure-all for the city's problems; nor will it obviate the need to make hard substantive decisions about the issues facing the city. It can, however, help the city address those issues.

Beyond setting reasonable expectations for reform, the educational effort will need to focus on a clear theme or agenda. The facts that most residents are not knowledgeable about reform and that there are two separate commissions that may, in fact, propose different and possibly conflicting recommendations will make it very important for the reform effort to have a clear theme with which to engage the voters. Indeed, if Controller Rick Tuttle is correct in terms of the importance and durability of the reform effort, such a theme may well set up an irresistible demand for reform.

We have already suggested an overarching theme for the charter reform effort: preparing the city's governance structure to meet the challenges of the future. In a policy environment characterized by mistrust of government and conflicting demands of competing interest groups, the city's leadership must be accountable for the policy decisions it makes. The city's fiscal
environment is also changing in ways that will require city government to do more with its resources. These pressures will require greater efficiency in the management of the city’s operations. Finally, an increasingly dynamic economic environment combined with a more diversified customer base will require city government to be more responsive to the demands of its constituents. Correspondingly, we suggest that accountability, efficiency, and responsiveness be offered as central themes for the charter reform effort. Whatever themes are adopted, however, it is essential that the public be made aware of the challenges facing the city and the stakes involved in charter reform. This education effort cannot wait until the commissions complete their work. If charter reform is to be successful, the education effort must begin as soon as possible.
Appendix A

Los Angeles' Governance System: Organization and Services

How does the structure of Los Angeles city government compare with that of the state and federal government? Figure 4 displays the organization of the Los Angeles municipal government. The city charter includes checks and balances just like the United States Constitution. The primary difference between the two concerns the organization of the executive branch. Article II of the U.S. Constitution, which lays out the executive branch of the federal government, is silent on specifics. In contrast, much of Los Angeles's charter covers executive branch organization and functions.

The city charter’s provisions for a plural executive more closely correspond to the California Constitution than the federal model. In the federal model, the President and Vice President are the only elected executives and they run for and take office as a single ticket. In the California state model, the governor is chosen separately from the lieutenant governor and the six other executives elected statewide. Los Angeles follows the plural executive form in separately electing a mayor, city attorney, and controller. However, the other city officers—the city clerk, city treasurer, CAO, and chief legislative analyst—are all appointees. The members of the city council, like those of the United States Congress and the California legislature, are elected by separate districts.

The mayor is “the executive officer of the city (who) shall exercise careful supervision over all its affairs.” Because the charter framers patterned the city’s budget after the federal budgetary system designed in 1921, the mayor holds extensive powers in this area. The mayor begins the budget process with the State of the City message and a set of recommendations on fiscal priorities. The mayor amends the funding requests submitted by the city departments before the budget goes to the council. Finally, the mayor exercises an item veto at the end of the budget process. This item veto may be overturned by the city council with a two-thirds vote, but the mayor’s input is institutionalized at all stages of the budget process.¹

¹The quotation of the charter is from Los Angeles: Structure of a City, 40. Appendix A references start on p. 56.
Figure 4—Organization of the City of Los Angeles
The item veto is not the only type of veto the mayor enjoys. Like the President and the governor, the mayor has general veto powers, and can reject an ordinance, sign it, or let it pass without a signature. The city council may also override this general veto with a two-thirds vote. Finally, the mayor holds appointment powers like a president or governor. The mayor appoints (with council confirmation) all of the commissions and chief administrative officers of the city's departments except the Chief Legislative Analyst's Office, the City Ethics Commission, and the Police Department. By city ordinance, the mayor appoints the members of his/her staff without council confirmation. Finally, the mayor, like the President and governor, is elected for a four-year term subject to a two-term limit. The mayor, city attorney, and controller are elected by a citywide vote.

The city attorney handles all of the city's legal work, including that of the boards, officers, and departments. Even proprietary departments are served by the city attorney. The city attorney is responsible for interpreting the city charter. The controller is also elected at large. As chief accounting officer and auditor of the city, the controller supervises the accounts of all officers and departments, including the proprietary departments. Both the controller and the city attorney are limited to serving two four-year terms.²

The city's legislative branch is the 15-member city council. The council is the "governing body" of the city and exercises its legislative powers by ordinance (section 22). Because the distinction between legislative and administrative functions is vague, and the term "governing body" ambiguous, there has been disagreement over the extent of the council's powers. In terms of city land use, a key municipal power, the council holds the authority to approve most actions taken by the Planning Commission and adopt the general plan. In 1991, the voters gave the council "Proposition 5" review powers, allowing a two-thirds council majority to veto the actions of the city's many executive branch commissions. This amendment greatly increased the power of the council. Following the terms of the charter, the council divides itself into 15 committees corresponding to "all the functions of the government of the city" (section 34). Like the national and state legislatures, councilmembers are elected by districts approximately equal in population; unlike those legislatures, it is unicameral. Members from the eight odd-numbered and seven even-numbered districts are elected in alternate municipal election years. Councilmembers are limited to serving two four-year terms.

Elected officials are only one part of the city’s complex structure. In addition, there is an extensive assortment of appointed officers. The city clerk and city treasurer, who were elected under the 1889 charter, became appointed officers in 1925. A CAO was added in 1951 to replace the Bureau of Budget and Efficiency. All three of these mayoral appointees are confirmed by the council. The CAO is charged with assisting the mayor’s budget preparation and with increasing the efficiency of the various executive branch departments. The chief legislative analyst is appointed by the council to provide it with administrative, technical, and expert assistance.

A key feature of the city’s governance system is its heavy reliance upon commissions. These commissions vary widely in both their origins and organization. Fifteen departments are created by the charter, 15 by city ordinance, and two by state law. Seven departments possess at least some independent control over their own funds. Two of these are supported by a fixed share of city taxes, along with additional funding at the discretion of the mayor and council. Three are proprietary and control their own revenues, budgets, and revenue bonds. Two administer retirement systems and are partially dependent on city funds provided by the council. The city’s other departments rely on the appropriations the mayor and council approve, as well as the proceeds of bonds and outside revenue sources such as grants and user fees. Fourteen departments are headed by part-time commissions, 11 by a chief administrative officer with an advisory commission, one by a full-time commission, and six either by the council or a chief administrative officer. There are 23 operating departments, six support departments, and three operating and support departments. Under the Board of Public Works are five operating bureaus and two support bureaus.

The current complexity of commission authority is the by-product of frequent charter amendments and ordinances. The charter established a single system of five-member citizen commissions for almost all the unelected commissions of the executive branch. A few variants were included, but Article VI on “The Organization of Certain Departments” described much the same structure for all the city’s commissions. The original charter provided clear lines of authority. The mayor appointed commissions with council confirmation and these commissions appointed the general managers to head their departments. Today, some commissions are advisory and others head departments. The chief administrative officers of most departments are now appointed by the mayor and confirmed by the council. Even those commissions that head their departments cannot appoint the chief administrative officer.
There has also been considerable change in the city commissions since 1925. The Health Department was relegated to the county level in 1964. Parks and Playground and Recreation were consolidated into Recreation and Parks by a charter amendment in 1947. Provisions for the Municipal Housing Commission were removed in 1947, as was the article entailing Advisory Borough Boards in 1973. The Board of Appointment and its Board of Trusts Commissioners gave way to the Department of Airports in 1947. In 1972, voters approved a charter amendment allowing the mayor and council to transfer the duties of charter departments to other departments or to ordinance departments. Because of the terms of charter section 32.1, Municipal Arts gave way to Cultural Affairs in 1983. The Public Utilities and Transportation Department and Traffic Department gave way to an ordinance-created Department of Transportation in 1979. In 1997, the Social Service Department was moved under the Police Department.

The city’s departments can be analyzed in terms of whether they are ordinance- or charter-created, whether their commissions advise or head departments, and whether they have independent funding provisions. There are two charter departments that have five-member citizen commissions, but that are formally headed by a chief administrative officer (formerly called a general manager). These are the Building & Safety and City Planning Departments. The Building & Safety Department is headed by the Superintendent of Buildings, appointed by the mayor with council confirmation. The Board of Building & Safety Commissioners is an advisory and appeals body with “slight modifications” powers, but these may be restricted or abolished by ordinance (section 93). The Director of Planning, who is appointed by the mayor and confirmed by the council, manages the City Planning Department. The City Planning Commission is advisory in some areas, but its approval is required of zoning regulations and the General Plan; it also acts on appeals. The Building & Safety Department enforces the zoning ordinances that originate in the City Planning Department. Both of these departments rely on the mayor and council for appropriations from the city’s budget.

There are six ordinance departments. Three relate to community interests—the Community Development Department, the Los Angeles Housing Department, and the Department of Aging. All three administer federal grants and/or loan programs, but only the Department of Aging receives federal money to pay for a portion of its administrative costs. The other three ordinance departments relate to city operations—the Information Technology Agency, the Employee Relations Board, and the General Services Department.
All of these departments depend on the mayor and the council for their funding.

There are nine ordinance departments with advisory commissions. They include: the Environmental Affairs Department, the Zoo Department, the Transportation Department, the Cultural Affairs Department, the Human Relations Commission, the Commission on the Status of Women, the Commission for Children, Youth and Their Families, the Los Angeles Convention Center Department, and the El Pueblo de Los Angeles Historical Monument Authority Department. The Zoo Department was separated from the Recreation and Parks Department in 1995. The Environmental Affairs Department receives special funds and federal support. The El Pueblo Department is supported by a fee-based trust fund. The other seven departments rely on the mayor and council to support them from the budget.

There are seven independent charter departments headed by citizen commissions. The Department of Airports, the Harbor Department, and the Department of Water and Power are self-governing. The Department of Airports manages, supervises, and controls the four airports of the city. The Harbor Department manages, supervises, and controls the Harbor District and operates the Port of Los Angeles. The Department of Water and Power supplies the city with all of its water and electricity, and constructs, operates, and maintains the city's facilities throughout the city and the state. These three proprietary departments draw up their own budgets and issue revenue bonds. The Library Department supervises the Central Library and branch libraries throughout the city. The Recreation and Parks Department maintains and operates more than 300 sites, including Griffith Park. Both the Library and the Recreation and Parks Department control a special fund and are guaranteed a fixed share of city taxes. Finally, the City Employees Retirement System and the Department of Pensions are supported by employee contributions as well as appropriations from the city's budget.

There are two state law-created departments headed by city commissions. In 1938, the Housing Authority was provided for by the State Housing Authorities Act. It supervises the public housing projects of the city. In 1948, the Community Redevelopment Agency (CRA) was created by California's Community Redevelopment Act. The CRA works to correct blighted conditions in areas designated for redevelopment. For example, the Bunker Hill redevelopment that began in 1959 was a CRA project. The Housing Authority is supported by federal funds and rent paid by tenants. The CRA is supported by federal funds, state-authorized tax allocation bonds, and local sources.
The only charter department headed by a full-time commission is the Department of Public Works. The Department is supervised by the Board of Public Works and is divided into seven bureaus charged with Sanitation, Street Lighting, Street Maintenance, Contract Administration, Engineering, Accounting, and Management/Employee Services. The Department executes some of the city's public improvements and lets contracts for the others. Public Works combines general and special fund revenues to pay for its various projects. The mayor and council approve appropriations for the Board of Public Works.

Los Angeles must balance its budget annually. This budget consists of three categories: a general city budget, a budget for independent departments, and grants and other non-budgeted funds. The FY 1997-98 total of these three amounts is slightly more than $9 billion. The general city budget is $4 billion, the budget for independent departments is $3.9 billion, and the grants and other non-budgeted funds category represents $1.1 billion. The $4 billion of the general city budget can be divided further into restricted and unrestricted revenues. Restricted revenues, which include sewer receipts, gas tax receipts, fees for special services, and grants (except for the Police Department) account for $1.6 billion, which is 40 percent of the general city budget. Unrestricted revenues amount to $2.4 billion, which is 60 percent of the general city budget.\(^3\)

For FY 1997-98, the Police Department receives just over $1.2 billion, or 51 percent of the city's unrestricted revenues. The Fire Department receives $432 million, which represents another 18 percent of these revenues. The Police and Fire Departments receive 69 percent of the unrestricted revenues in the 1997-98 budget. Public Works, including street maintenance and refuse collection, totals $270 million, which is 14 percent of unrestricted revenues. The Library and Recreation and Parks Departments receive $181 million, which is about 8 percent of the unrestricted revenues. The other $229 million, which is 10 percent of the unrestricted revenues, includes such items as Cultural Affairs, offices of the city's elected officials, and convention center money.

With 69 percent of the city's unrestricted revenues, public safety costs more than any item in the general city budget. The Department of Public Works

\(^3\)The general city budget must be distinguished from the city's grand total budget, which includes the independent departments and the grants and other non-budgeted funds. The general city budget must also be distinguished from the general fund. Unrestricted revenues are in the general fund while restricted revenues are in special funds. The general city budget includes both the general and some of the special funds.
receives $594 million between restricted and unrestricted revenues. In addition, the city's three proprietary departments represent a further investment in public works. The independent department budget—which consists of the appropriations of the Airports, Harbor, and Water and Power departments—is $3.9 billion for FY 1997-98. In sum, public works account for $4.5 billion, which is 49.9 percent of the city's grand total budget. Taken together, public works and public safety comprise 68 percent of the city's grand total budget for FY 1997-98.

The financial independence of the Airports, Harbor, and Water and Power Departments means that their $3.9 billion total budget is not council controlled. The Library and Recreation and Parks Departments were only entitled to $95.4 million automatically; they are receiving double the amount they are guaranteed under the charter. The $1.1 billion of grant money is also outside the control of the mayor and council. The mayor and council do not control $5.1 billion of the city's $9 billion budget for FY 1997-98. The mayor and council only control 44 percent of the city's grand total budget.

The city budget consists of $7.9 billion not counting grants and pension fund investments. The five charter departments headed by commissions receive $1.69 billion, or 21 percent, of this money. The two charter departments with advisory commissions receive $95 million, or 1 percent. The six ordinance departments receive $235 million, or 3 percent. The nine ordinance departments with advisory commissions receive $223 million, or 3 percent. The five independent charter departments headed by commissions (minus the two pension departments) receive $4.1 billion, or 52 percent. The two state law departments headed by city commissions are not in the city budget. In sum, 90 percent of the city's budget is expended by departments. The largest single item is the Department of Water and Power, with over $3 billion, one-third of the total budget including grants and other non-budgeted funds.

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Appendix B

History of Los Angeles' Charter Reform

The history of Los Angeles charter reform since California’s admission to the Union can be divided into four periods: extensive state control, 1850–1889; the first home rule charter (1889) and subsequent charter amendments concerned with governmental efficiency and economic growth, 1889–1925; the current charter (1925), further enshrining efficiency and growth, and subsequent amendments empowering the city’s departments relative to elected officials, 1925–1961; and the drive for greater public accountability and responsiveness, resulting in increased powers for elected officials relative to the bureaucracy, 1961 to the present. Each reform cycle has spanned 35–40 years. As such, the 1996–1997 reform efforts mark the beginning of a new cycle.¹

State Control, 1850–1889

Los Angeles became an American city at a time when all of the country’s municipalities were mere “creatures of the state” and subject to state legislative whim. The 1850 California law incorporating cities described municipal structure and powers in considerable detail. This act severely restricted what cities could do. For example, Los Angeles in 1853 was only allowed to create a Board of Education because the state had amended the municipal incorporation act a year earlier. Los Angeles was limited in its ability to build water, sewer, and other needed facilities because state law set the city debt limit at three times annual revenue.²

Under these restrictions, Los Angeles could change its government to meet new challenges only when the state’s incorporation act was amended or when the city could use its limited ordinance powers. Like most cities of the era, Los Angeles was governed in a crisis management mode. In 1869, a smallpox epidemic led to the formation of the city’s Health Board. One year later, fear of rowdy New Years’ revelers spurred creation of a Board of Police

¹“The period of extensive state control” is Bollens’s term for the 1850-1889 era. See Bollens (1963), p. 44. References to Appendix B start on p. 81.
²The quote is from the United States Supreme Court’s Dartmouth College case of 1819, which is furthered by Dillon’s Rule in 1868. See Dennis Judd’s The Politics of American Cities, 2nd ed., p. 41. On early Los Angeles charter history, see Guinn (1915), p. 269, and Hunter (1933), pp. 13–21.
Commissioners. Likewise, in 1872 the planning of much-needed municipal improvements led to a newly formed Board of Public Works. But the growth of city government was haphazard and ad hoc. Any of these boards could be abolished by simple ordinance.

Given Los Angeles’s growth, from 1150 residents in 1850 to 10,000 in 1878, the city needed a more expansive government. In response, the legislature gave the city a Library Board, a larger council, and new officials such as the auditor. Most important, the city’s debt limit was raised to $500,000. In 1885, a professional Fire Department replaced the volunteer system. But this state-managed system of municipal government was ill-equipped to handle the dramatic population growth of the 1880s, as the city increased to 50,000 inhabitants.²

California home rule provisions saved the day. The 1879 state constitution allowed cities over 100,000 population to write their own charters. In 1887, California voters approved a constitutional amendment extending home rule status to cities of 10,000 or more inhabitants. Los Angeles quickly elected a Board of Freeholders to write a home rule charter. That charter, which was ratified by the city’s voters and the state legislature, took effect in 1889.³

It is no accident that the charter was enacted by the voters as the city’s chamber of commerce was re-establishing itself. The first chamber (also referred to as the Board of Trade) had orchestrated the promotional campaign driving the 1880s’ real estate boom. When the boom collapsed, so did the chamber of commerce. Leaders in the charter campaign also led the effort to re-establish the chamber. Economic growth was a key driver behind both the new charter and the new chamber.⁴

³See Glenn Dumke’s classic, The Boom of the Eighties.
⁴See Oberholtzer (1912). Note that most city histories do not accurately recount the story behind the first home rule charter. The city’s first Board of Freeholders, which was elected at the municipal plebiscite in 1887, produced a charter which was rejected at the polls by the voters in March of 1888. A second Board of Freeholders was elected in May of 1888, and their charter received voter approval in October of that year. Because Mayor William Workman was on both boards, perhaps it is not surprising that the charter proposals submitted by both were nearly identical; the change in voter sentiment is, however. For details, see Los Angeles Express and Los Angeles Times coverage from November 1887-October 1888.
⁵Fogelson (1967), pp. 63-70, and Jaber (1982), pp. 627-629 are informative. For the chamber founding and charter vote, as well as players involved, see the Los Angeles Times, October 20-21, 1888. Note that the ubiquitous Mayor Workman took a hand in founding the new chamber and writing the new charter.
The First Home Rule Charter: Efficiency and Growth, 1889–1925

The 1889 charter retained the basic mayor-council form, but added bipartisan and nonpartisan boards of commissioners to perform specific administrative functions. The Police, Fire, and Park Boards were bipartisan, consisting of "[t]he Mayor and four citizens, to be appointed by the Council, not more than two of whom shall be members of the same political party." The Health and Library Boards were nonpartisan, "selected without regard to their political opinions," and appointed by the mayor with council confirmation. These five-member boards managed their departments and could appoint executive officers. Los Angeles's current government retains this system of citizen commissions.6

The charter gave the boards considerable financial discretion. The Library Commissioners, for example, controlled a special fund. Likewise, the Board of Education (in this case, an elected rather than appointed body) decided how to spend the School Fund. Appointed boards could also hold the city's property without interference by elected officials. For instance, the Park Commission managed and protected park lands, while the Board of Health could operate a smallpox hospital. Today's proprietary departments are reminiscent of these 1889 commissions with special fiscal and property powers.7

To realize the expectations of the chamber-charter coalition, the 1889 organic law centered on ensuring economic growth. The charter raised the debt limit to two million dollars. Four full articles enhanced city control of street improvement and sewer construction. Los Angeles secured authority over condemning property and paying for new development. Finally, the charter guaranteed municipal ownership and management of the all-important water supply.8

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6For Police, Fire, and Park Boards, see sections 91, 107, and 114 of the 1889 charter. For the Health Board, see sections 89 and 120. The sections on the Health Department are a bit confusing; according to section 6, the mayor was to appoint the directors of the Public Library with council confirmation, but according to section 120 the mayor was to serve on the board, with the other four members being appointed by the council. It has not been possible to ascertain just how the library directors were selected in practice under the charter. See Kassel (1929).

7The Board of Education did, however, deviate from the pattern as it was elected rather than appointed, but the point here is the existence of special funds not under mayor and council control. The term "proprietary department" will be used in this appendix to apply to revenue-producing departments with specific property and a special fund which they essentially control. Los Angeles's current Airports, Harbor, and Water and Power Departments are proprietary. See the 1889 charter, sections 76-79, 86, 113, 132, and 208-222.

8See 1889 charter, Articles XIV-XVII for streets and sewers, Article XVIII for water, and section 223 for the debt limit. In terms of the importance of water to the new charter, see Vince Ostrom's Water and Politics (1953), p. 46. For sewers, this may be deduced from Fogelson (1967),
Having suffered excessive state legislative interference in the years before 1889, Los Angeles’s charter framers included two elastic clauses to maximize city autonomy. Under the first, the city could make “regulations as are not in conflict with general laws, and are deemed expedient to maintain the public peace, protect property, promote the public morals, and to preserve the health of its inhabitants.” The second clause reserved the right to “exercise all municipal powers necessary to the complete and efficient management of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not, except such powers are forbidden by the general law.”

The charter placed fiscal control in the city council, provided six of its nine members could reach consensus. The mayor and all other officers reported annually to the council. Although the mayor signed contracts, he was only a rubber stamp for the council. The auditor and mayor could veto expenditures, but the council could override both officers by the same two-thirds margin that had initially approved the spending. The 1889 charter made the mayor a largely ceremonial figure except in terms of his board appointments and membership. Reformers soon regretted the power they had given to council coalitions. They condemned the ward-level machine politics that continued in the city by calling the council “the Solid Six.”

Amendments to the 1889 Charter: In the 1890s the Southern Pacific Railroad dominated California and Los Angeles. With control over 85 percent of the state’s transportation, the SPRR could charge virtually any price to ship products. The railroad needed two things to maintain its lucrative situation: first, to elect the Railroad Commission to prevent effective regulation; second, to elect judges to avoid costly damage settlements. The railroad created a powerful political machine using retainer fees, free railway passes, and outright bribery. Many followed Hearst’s Examiner papers, calling the railroad an Octopus because its tentacles grasped for everything in the state. The railroad’s political wing was termed the “Espee” machine.

The machine corrupted the politics of the state while the Octopus made the railroad business profitable. The Octopus, for example, was known to check

pp. 28-34. In terms of streets, see the mayor’s protest against a state court decision that rendered questionable “the improvement of our streets . . . for which the charter was principally adopted.”

The mayor’s January 12, 1891 message to council may be found on pp. 278-80, Volume 33, Los Angeles City Records.

9For the city’s agitation at tight state control, see Bollens (1963), p. 44. The elastic clauses are 22 and 23 under section 2 of the 1889 charter.

10See the 1889 charter, sections 16, 58, 207, 214. Refer to Clodius, Fogelson, Mowry, and Sitton for various accounts of the councilmanic machine.
companies’ books to determine how much to charge them for shipping. In the 1890s the Espee became Los Angeles’s enemy when it tried to monopolize the city’s ocean access. The railroad sought the United States Congress’ harbor appropriation for Santa Monica rather than San Pedro. The waterfront at Santa Monica was railroad-controlled, whereas San Pedro offered a location for a competing railroad, besides being the superior site from an engineering point of view. To secure the appropriation for San Pedro, the city waged a Free Harbor Fight against the Espee. Despite common knowledge that the railroad had bribed the Rivers and Harbors Committee, a unified coalition of city businessmen managed to win the San Pedro site.\textsuperscript{11}

Two groups worked against the Southern Pacific in Los Angeles. Structural reformers viewed the Espee’s political corruption as evil. These reformers wanted to use alterations in political institutions to eradicate graft and restore democracy to the city. They had hoped the 1889 charter, and especially its nonpartisan and bipartisan boards, would help deal with the city’s corruption. They also thought the completely articulated structure would clarify lines of responsibility and increase the difficulty of turning public good to unscrupulous private gain. Reformers soon discovered the 1889 charter’s structural deficiencies. Their diagnosis was that the charter established too many elective offices, obscuring responsibility and permitting the machine to continue.\textsuperscript{12}

Developmental reformers were no happier with political conditions but for different reasons. Rather than worrying over political chicanery, they wanted to improve the city’s economic foundation. For developmental reformers, this would mean securing water and harbor infrastructure, for example, as well as avoiding monopoly conditions in transportation and other vital resources. These reformers thought the city’s powers would have to be increased and its apparatus articulated to secure infrastructure Los Angeles sorely lacked. The developmental reformers had been burned by private sector efforts to build the city’s infrastructure. In terms of water supply, Los Angeles’s 30-year water lease had been unsatisfactory, yielding a three-year court battle by the city to re-acquire its water from a private company. In the Free Harbor Fight, moreover, the railroad had betrayed the trust the city had placed in the company with a large subsidy in 1869.\textsuperscript{13}

\textsuperscript{11}See Mowry, Clodus, and Fogelson for discussions of the railroad’s bipartisan machine. For the best explanation of the Free Harbor Fight, see Deverell’s Railroad Crossing.
\textsuperscript{12}See Hunter’s citation of Charles Dwight Willard’s complaint about the 1889 charter.
\textsuperscript{13}The section on developmental reform rests on Erie’s “How the Urban West Was Won” for description of the growth imperative and on Ingram’s Building the Municipal State for description of the differences between developmental and structural reformers. The subsidy paid to the Southern
From 1895 to 1900, reformers failed in repeated attempts to alter the charter. In 1902, they struck pay dirt with the concept of efficiency. Efficiency proved the vital touchstone because of its appeal to structural and developmental reformers. Civil service reform, for example, captured the support of both groups because it took opportunities for corruption away from elected officials while ensuring that city workers were capable of handling their jobs. Competitive contract bidding likewise ensured the city would get its money’s worth instead of paying for graft. Structural reformers wanted these amendments because they reduced the opportunities for corruption. Developmental reformers depended on these measures to allow them to give the city a reliable supply of water and power, as well as access to a harbor.

In 1902, Los Angeles’s voters approved 13 of the 15 charter changes on the ballot. Many of the changes dealt with boards and commissions. One amendment created a Water commission to manage the city’s water supply. The commission could not “convey, lease, or otherwise dispose” of the city’s water rights without approval from two-thirds of the voters. Another amendment established a Board of Civil Service Commissioners to implement civil service reform in the city. Both Civil Service and Water Commissioners were to serve four-year terms, which were to be staggered so that only one new commissioner was appointed every year. Four amendments restructured the Police, Fire, Park, and Health Boards, moving the power to appoint them from the council to the mayor with council confirmation. The commissioners were given two-year terms instead of serving at the pleasure of the council as before, and they received the investigative power only the council had previously enjoyed. 14

The 1902 charter amendments also restructured the city’s only elected board, reducing the Board of Education from nine to seven members. To begin to weaken Los Angeles’s ward machines, the board was elected at-large. Taking what was seen by reformers as another anti-machine measure, voters supported the two amendments creating the initiative, referendum, and recall. Los Angeles’ citizens became the first in the country with the power of direct democracy. They could bypass, overrule, or remove their elected officials with a petition and a majority vote. The electorate also expanded the city’s

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14See the 1889 charter, as amended to 1903, Articles XVIII, XXIII, sections 91, 107, 114, 120, and 60, respectively. Note that a two-thirds margin was required of “the qualified electors,” not just of those who turned out to vote. This could mean that an election with insufficient turnout could achieve near unanimity in favor of selling the water rights, without any effect. Refer closely to section 191 of 1889 charter, as amended to 1903.
powers to provide infrastructure by raising the debt limit to $5,000,000. For water and sewers, indebtedness could exceed this limit, subject only to the "Constitution and general laws."

The 1904 and 1906 Amendments: In 1904, reformers persuaded voters to consent to all six charter amendments on the ballot. One amendment added the Board of Public Works to the list of city commissions, replacing the elected street superintendent. The board would control street improvements, construct city projects, and even assume the council's power to hire private contractors. To enhance municipal efficiency, other amendments created competitive bidding on contracts and allowed city-county consolidation of functions. The city was empowered to own and operate public utilities, such as water, gas, heat, lighting, power, railroads, and transportation. Finally, the voters limited franchises to 21 years, and preserved the city's option to buy the capital investment of the franchisee at a reasonable cost.

By 1906, other groups in the city had figured out the charter amendment process. From then on, charter amendment elections would become more combative, with groups arguing over who really wanted reform for the city. For example, a number of the councilmen associated with the machine placed amendments on the ballot that would lengthen franchises to 40 years and allow railroads to carry freight over their street lines. The voters refused these changes, along with two of the other eight amendments they faced. To build the Los Angeles Aqueduct, voters raised the salaries of the two main officers of the Board of Public Works and enhanced the board's fiscal powers, protecting its construction money from council meddling. Because the aqueduct construction required both experts and unskilled laborers, these positions were exempted from civil service to make them more attractive to applicants. But voters did not automatically approve all amendments strengthening commissioners. One of the unsuccessful amendments would have protected them from removal except in cases of incompetence, negligence, or malfeasance.

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15 Refer to sections 4-5, 198a-c, and 223 of the 1889 charter, as amended to 1903. Strategically speaking, reducing the Board of Education's members to seven had two dimensions. First, this made it necessary to turn away from ward selection. Second, reformers thought electing fewer officials would increase the accountability of those who were elected.

16 1889 charter, as amended to 1905, Article XIV, especially section 145, and sections 5, 207, 255, and section 2, subdivision 25. For some reason, the amendment creating the Board of Public Works also moved the city's elections from even to odd years, so that they did not correspond to state and federal elections. See section 5 of the 1889 charter, as amended to 1905.

17 1889 charter, as amended to 1907, sections 65, 146 1/2, 151, 237 1/2, 239. For the losing 1906 charter amendments, refer to the Haynes Papers, Boxes 102-103. The railroad machine's two amendments were also on the ballot in 1909 and were again defeated. Note that the amendment raising the city engineer and public works secretary's salaries also increased the mayor's pay.
The 1909 Amendments: In 1909, reformers used the initiative to force the council to submit its measures to voters. The council returned the favor by adding some charter changes from its own wish list. For this reason, the voters faced 31 amendments at the special election. Three of these improved the city's power to build and control its infrastructure. The voters charged the Board of Public Works with constructing the Los Angeles Aqueduct and provided that the Water Commission would control it when completed. Another amendment allowed Los Angeles to enter the power business and sell city residents the electricity that was an aqueduct by-product. But voters refused to increase the Water Commission's authority to deal with property owners who owed them money.  

The 1909 charter changes allowed then-landlocked Los Angeles to acquire a harbor and to build and operate its port facilities. The city had to persuade Wilmington and San Pedro, the sites of the inner and outer harbors, to become part of the City of Angels. To compensate these cities for their loss of autonomy, Los Angeles passed an amendment allowing them the option to become boroughs. The amendment also authorized harbor improvement bonds, which the city promised to issue. In return, the amendment guaranteed Los Angeles "exclusive jurisdiction over two streets or highways in each borough" to connect downtown with the waterfront. Voters brought a harbor into Los Angeles by their charter ballots.

The council's counter-attack sputtered, as its charter changes fared poorly. All 13 proposals to increase officials' salaries—including the council's—failed. Voters rejected the amendment allowing the council to serve on Police, Fire, and Park Boards. Finally, the council lost important authority through an amendment that gave the mayor veto power over council contracts exceeding $500. Voters compensated the council with a few minor payoffs. For example, they were permitted to clean up vacant lots and charge the owners, as well as to create a dog pound.

In a watershed change, voters replaced the ward system with at-large elections for the council. Just as significant, voters ousted parties from Los

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1889 charter, as amended to 1909, sections 146 1/4, 150, section 2, subdivisions 7, 7a-c and 27. See the Haynes Papers, Boxes 102-3, for the unsuccessful 1909 amendments.
19 Six months later, Wilmington, San Pedro, and Los Angeles went to the polls and consummated the bargain in consolidation elections. The 1909 charter amendment showed Los Angeles' commitment, which it fulfilled by voting harbor bonds in 1910. For details of the Harbor deal, see Barness (1963). Refer to 1889 charter, as amended to 1909, Article XXV.
20 For failed 1909 charter amendments, refer to Haynes Papers, Boxes 102-103. The Los Angeles Aqueduct may have caused the voters' fiscal conservatism. As Erie notes in "How the Urban West Was Won," the aqueduct bonds had consumed the remainder of the city's debt limit in 1907. 1889 charter, amended to 1909, sections 32, 36a-g, and 58.
Angeles politics by creating nonpartisan direct primaries and general elections. In tandem, these changes destroyed the ward-level coalitions that councilmen had assembled. Structural reformers blamed these parochial organizations for the city's corruption and collaboration with Espee "Boss" Walter F.X. Parker. But nonpartisanship applied to more than just the council. The amendment stripped all municipal ballots of any reference to parties. California as a whole would follow this path, making all local elections nonpartisan to this day.\footnote{1889 charter, amended to 1909, sections 3-4, Article XIX, sections 207.}

**The 1911 Reorganization:** By 1911, the 1889 charter resembled a crazy-quilt of patches. Reformers worried that the hodgepodge charter had jeopardized their victories in the last four elections. Consequently, they sought a complete charter reorganization to secure their handiwork. The voters gave most of their proposals landslide margins, approving 14 of the 15 amendments on the ballot. One amendment extended the city's authority to own and operate its own infrastructure; another increased Los Angeles's debt limit to 15 percent of assessed valuation, with 80 percent of this exclusively for infrastructure.

Voters established a Harbor Commission analogous to the Water Commission. The Harbor Commission managed the city's port, but could not dispose of its waterfront property without two-thirds voter approval. Voters also authorized the city to develop the aqueduct's electric power as a utility. The Water Commission gave way to the Public Service Commission, which united water and power concerns under one board with separate funds and the option to divide into water and power bureaus.\footnote{The Los Angeles Times used the term "crazy-quilt" to characterize the charter on March 5, 1911. See section 262 of the 1889 charter, amended to 1911, sections 2 (50), 223, 262, and Articles XVI and XVIII.}

Innovations abounded in this reorganization. Voters supported fire and police pensions, even though the city had a reputation as the citadel of the open shop. They also approved campaign finance regulation, long before it would become fashionable. Los Angeles led the way in terms of applying the recall to appointed officials, an option that very few cities have to this day. Voters also explored new territory by enhancing the city's powers relative to private property. One amendment erected a 150-foot limit on the height of buildings. Another created municipal planning powers, paving the way for the City Planning Commission in the 1925 charter. Finally, voters consented to a Public Utilities Commission that could regulate privately owned companies.
Commissions also emerged to manage the Playground Department and Municipal Art as well. Five of the city’s commissions were reduced from five to three members, following the example of the Board of Public Works. Only the Public Library and Public Service Boards retained the five-member form, while Municipal Art had nine commissioners. All commissioners were to serve four-year staggered terms. Commissions generally continued to pick up power at the expense of the council. The Public Utilities Commission, for example, was delegated powers that the council held but had declined to use effectively since 1889. An appointed purchasing agent was to handle a centralized purchasing system. Had the amendment been detailed rather than merely calling for an ordinance to outline the procedures, then the council would have lost even more power.23

The Reorganization of 1911 perfected the system of boards and commissions. Besides restructuring appointee organization, the amendments changed the elective apparatus as well. Voters gave all elected officials four-year terms and divided them into two groups so that half would be chosen every two years. The 1911 charter amendments were so thoroughgoing that they practically drafted a new city charter.24

Efforts for a New Charter, 1912–1916: Reformers achieved greater success in securing amendments than in controlling elected representatives. In 1909 and 1911 they elected their entire ticket but were disappointed with the results. Structural reformers began to think the mayor-council system was the problem, and called for a new charter in 1912. Voters ratified a Board of Freeholders that framed a commission plan charter for the city. Under this plan, each commissioner oversaw one department, with the mayor overseeing Public Safety. Because Los Angeles was larger than any city governed by the usual five-member commission plan, the Freeholders drafted a charter including seven commissioners.

The proposed 1912 charter scrapped the system of boards of commissioners controlling the city’s independent departments, while retaining other reforms such as direct democracy. Although prominent businessmen framed the charter, it was lambasted by a coalition of businesses led by the Los Angeles Times and Los Angeles Examiner. Voters rejected the proposal decisively, completely demoralizing the structural reformers. Because they blamed

23 1889 charter, as amended to 1911, Articles XXVI, XXVII, section 57a.
24 1889 charter, as amended to 1911, sections 4-5.
business for the charter's defeat, their coalition with developmental reformers weakened.25

The 1913 election represented in some ways an instant replay of the 1906 and 1909 elections. Battling charter reformers scrambled to place amendments on the ballot. Ultimately, there were competing amendments on three different issues—harbor control, council elections, and salaries. Some wanted an appointed Harbor Commission with a clear hold on the Harbor District, while others wanted an elected Harbor Commission with less power. The voters supported the amendment for an appointed Harbor Commission, which established the Harbor Department as a proprietary institution, a status it retains today. In terms of council elections, Socialists wanted proportional representation while conservatives preferred district elections. Both amendments failed, so the city retained at-large elections.26

Voters also cemented the city's power to acquire privately owned public utilities. In terms of elections, voters made three changes: repairing the apportionment recall's flaws; reducing elected officials' terms from four years to two; and changing the dates of city elections to mid-year, effectively recalling the reform administration. Two amendments moved the details of the fire and police pension funds from ordinances to the charter. Finally, one amendment incrementally adopted the commission plan concept by providing for city departments to be grouped into nine divisions so each council member could specialize in one area.27

In 1914, structural reformers again demanded a new charter. Their counterparts nationwide depicted the manager plan as the new municipal panacea, a superior alternative to the commission plan. Reformers drafted an amendment offering city voters the manager plan, but it never reached the ballot due to council opposition. In 1915, these reformers again pressured for a new charter and another Board of Freeholders was elected. The Freeholders framed a charter creating departmental managers and redividing city responsibilities slightly differently. The proposed 1916 charter did not represent a radical departure from the existing charter. But its framers could

25Abrahams (1967), pp. 18-25. See also Haynes Papers, Box 103-4, for a detailed scrapbook on the 1912 charter and some material from the charter drafting and campaign.

26This paragraph intentionally leaves out discussion of salaries as the only difference was in amounts and thus there was no long-term impact on the charter. For the Harbor Department details, see 1889 charter, as amended to 1913, Article XVI.

27Compare sections 44-45 of the 1911 and the 1913 versions of the 1889 charter. Note the tendency to move sections from ordinances to charter provisions. The Police and Fire Department thus inaugurated the pension detail-loaded charter of today. See 1889 charter, as amended to 1913, sections 2 (50), 198p, 4-5, 206b, 11a.
not agree on key issues and were compelled to place four alternatives on the ballot as instant amendments to the charter in the event it passed.

One alternative replaced the mayor with a city manager; another gave two-year terms to elected officials instead of the proposed charter’s four; the third provided for a council elected by districts instead of at-large; and the last established a council elected by proportional representation. The district representation alternative received a majority, foreshadowing future events, but no other charter proposition passed. The four alternative propositions almost certainly confused voters, causing them to preserve the status quo. The 1916 proposed charter was defeated by almost as large a margin as the commission plan had been. As in 1912, the Los Angeles Times led a coalition of businessmen and the more conservative reformers to defeat the charter.²⁸

**Amendments From 1916–1925:** From 1916–1925, voters dealt with charter amendments covering many subjects. Some involved important growth issues for the proprietary departments. For example, the Public Service and Harbor Commissioners worked for amendments adding to their authority. Other amendments concerned the increasing interest in pensions: attempts to create pensions for all city employees failed in 1918 and 1920, while an amendment strengthening the police and fire pensions passed in 1922. Finally, civil service remained a concern, but with a new twist. Historically, these amendments had given exemptions from civil service provisions. In the 1920s, on the other hand, a number of departmental managers actually requested civil service status. Voters added the fire chief in 1920, the city clerk and city treasurer in 1922, and the purchasing agent, the chief of police, and his secretary in 1923. These amendments further strengthened appointed officials at the expense of elected leaders.

From 1902–1923, voters moved the nexus of power in the city from the legislative to the executive branch and from elected to appointed officials. The 1889 charter had been a strong council system. After 1889, many of the council’s powers were delegated to appointed officers and its appointment powers were greatly diminished. The mayor, and especially the boards he appointed, took authority once held by the council. With its enhancement of the mayor, and institutionalization of the board system that developed up to 1913, the 1925 charter would further weaken the council. In 1923, broad consensus developed behind the perception that a new charter was necessary to rationalize the city’s business. The council did not foresee that the

²⁸See the Haynes Papers, Boxes 103-104, for a scrapbook with details of the 1916 charter. Abrahams is also instructive.
weakness of their offices, which they perceived as the charter's main problem, was about to increase.\textsuperscript{29}

**The Current Charter: Bureaucracy and Growth, 1925–1961**

The 1925 charter consolidated the gains of the city’s developmental and structural reformers in the form of an elegant, streamlined, and forward-looking document. The 1923 Board of Freeholders kept good records of their process, making it possible to determine their intent in writing the charter. Because the Board interpreted the failures of 1912 and 1916 as evidence the voters feared radical change, they adhered closely to the existing framework. In addition, they made sure to save specific reforms voters had approved in past amendments. The charter they produced mainly rationalized the 1889 charter as amended, and thus did not provoke opposition from any group in the city.\textsuperscript{30}

The 1925 charter institutionalized the shift from legislative to executive authority over city departments. The mayor received a four-year term while councilmembers faced election every two years. Copying the 1921 federal budgetary reforms, Los Angeles adopted an executive budget giving the mayor and departments primary responsibility and taking it from the council. Besides the power to initiate the budget, the mayor could exercise the item veto. The council also lost its purchasing powers to the purchasing agent and some of its remaining financial powers to the controller.\textsuperscript{31}

The council retained its legislative power, but was explicitly prohibited involvement in administrative functions. Given that most functions were delegated to administrative bodies, and the charter protected these from the council’s ordinances and resolutions, the city’s legislature was largely powerless. The council could only choose whether to confirm the mayor’s commission appointments and removals. But the mayor’s commissioners ran the city’s 16 main departments, including the proprietary departments of the time—Harbor and Water and Power. Because board members served

\textsuperscript{29}See the Minutes of the 1923 Board of Freeholders in the Haynes Papers, Boxes 105-106. The Freeholders called for input from all city officers in its deliberations.

\textsuperscript{30}This summary of the 1925 charter rests on Erle et al., "Intent of the 1923 Board of Freeholders in the Drafting of the Current Charter."

\textsuperscript{31}See the Haynes Papers, Boxes 105-106; Hunter (1933), p. 243. See 1925 charter, sections 7, 343-356, 46-47, 55-56.
staggered five-year terms, a commissioner would last more than twice as long as a council-member if both held one term.\footnote{22}{1925 charter, sections 34, 40 (4), Article VI.}

The 1925 charter's shift of power from the legislature to the executive, and particularly from elected to appointed officials, put most city business in the commissioners' hands. They could appoint and remove department heads for a number of reasons, including mere discourtesy. Their administrative powers were extensive, especially in the proprietary departments. A good analogy for the 1925 charter system is the federal Constitution with an Article II on the President which is expanded to detail all cabinet departments. The charter framers explicitly followed the federal model.\footnote{23}{See the Haynes Papers, Boxes 105-106. Refer also to Wilson's "Los Angeles: Pre (Civil) War." See 1925 charter, section 79.}

The use of the federal model, with strong and independent commissions, grew naturally from the amendments of 1902–1913. Their primary architect, John Randolph Haynes, served on the 1923 Board of Freeholders and thought the commissions would shield proprietary departments—and especially Water and Power, where he served as a commissioner before and after 1925—from hostile private utilities and their council allies. The charter established powerful boards for all 16 municipal departments, partly to pay off freeholders who were more committed to Harbor or other departments than Haynes' beloved DWP.\footnote{24}{Haynes served on the Public Service Commission, which was renamed the Water and Power Commission by the 1925 charter. The 1923 Board of Freeholders' Minutes show that the Department of Public Service actually wanted to keep this name rather than being called the Department of Water and Power.}

The 1925 charter provided for the city's economic future as projected and secured by the proprietary departments. Taking advantage of the maximum indebtedness allowed under the state constitution, the 1925 charter kept the debt limit at 15 percent of the city's assessed valuation. Likewise, the charter specified that 80 percent of this borrowing could be used only for municipally owned public utilities such as water, power, and harbor. The 1925 charter ensured the city's right to invest in its infrastructure, and to increase that investment over time to keep pace with growth in population and property values. The Chamber of Commerce fostered the 1925 charter as it had the 1889 document.\footnote{25}{In 1923, the Chamber of Commerce called for a new charter and formed a Charter Study Committee made up of citizens from different groups. Most of its members were elected to the Board of Freeholders. After the charter was written, the chamber took an active hand in promoting it in the 1924 campaign. See 1925 charter, sections 3(3) for debt limit.}
But the charter was progressive in more than economic matters, pointing the
way to innovative social reforms. Freeholder William Mead fought for the
Municipal Housing Commission to provide homes for the poor. Today’s
William Mead Homes are part of the property he willed to the city for public
housing. The charter’s Social Service Department, moreover, could screen
and coordinate charities to assist the indigent. In terms of city workers, the
charter guaranteed salaries competitive with the private sector, provided a
paid vacation, and promised a city retirement system for those outside the
already-covered Police and Fire Departments. The charter gave Pension
Commissioners six months to prepare a pension plan for submission to the
council and voters. The pension plan could not be amended or repealed
without a popular vote and could “be retroactive from the date of the
adoption of this charter.” In 1937, the city finally caught up with the charter
framers and ratified this pension system.36

The 1925 charter sought social progress in areas that took the rest of the
country decades. For example, the charter framers authored a ballot
alternative offering district elections for the council. The voters approved this
amendment along with the charter, ending the at-large elections many today
see as discriminating against racial minorities. This amendment effectively
prohibited racial gerrymandering by requiring that voting districts “be
composed of contiguous and compact territory and bounded by natural
boundaries or street lines.” The amendment also recognized the “one person,
one vote” concept long before Baker v. Carr by requiring that the districts
“comprise as nearly as practicable equal numbers of voters.” In addition, the
charter forbade racial, religious, and sexual discrimination in employment and
compensation. These sections of the 1925 charter anticipated the landmark
1960’s era Civil Rights and Voting Rights Acts by forty years.37

The charter won nearly unanimous consent, achieving 87 percent approval in
an election with 59 percent turnout. The 1923 Board of Freeholders cultivated
this success by inviting citizens into the process and then incorporating their
demands into the charter. After hearing from concerned citizens in the San
Fernando Valley and near the Los Angeles Harbor, the Freeholders included
boroughs in the 1925 charter. Once formed, advisory borough boards would

36 1925 charter, Articles XXI and XXV, and sections 187 and 425-426. The pension system was
passed as charter amendment #1 on May 4, 1937; it became Article XXXIV of the current charter
and took effect on July 1, 1937.

37 The prohibition of sexual discrimination in compensation, moreover, prefigures the equal
pay for equal work demands that have yet to become public policy in the United States. The
early election of minorities in Los Angeles compared to other cities might not have happened if it
were not for section 6 of the 1925 charter. See also sections 163, 190 and 424.
have the same independence and special fund status as proprietary departments. They were empowered to promote “local improvements within the borough” and to “represent the municipal needs or desires of the borough before any department of the city government.” Voters removed the charter provisions authorizing these borough boards in a housekeeping amendment in 1973. Otherwise, these “neighborhood councils” would be available today to answer the concerns of citizens who feel isolated from City Hall.\footnote{For election results, see the City Clerk’s “Election Results” of May 6, 1924. For the borough government provisions, see Article XXX of the 1925 charter, sections 408-409 in particular.}

**Amendments to the 1925 Charter:** After the 1925 charter’s implementation, voters continued to amend their organic law. Los Angeles seems to have always been a city obsessed with perfecting itself. By 1926, voters were already going to the polls to amend the charter. From 1925-1961, the city’s electors faced charter amendments in 40 plebiscites, voting on about 290 amendments, and passing about 200 of them (Table B.1). Amendments regarding the proprietary departments were most common: 63 of the proposed alterations dealt with these institutions, with 43 relating to DWP alone; 26 more were of interest to the proprietary departments because they dealt with debt, fund transfers, and contracting.

Voters considered 43 amendments on civil service, 40 on election matters, and 30 on the city’s three employee pension programs. Most of the other amendments dealt with a miscellaneous group of subjects. The mayor’s powers were affected by only three amendments, and the council’s powers were directly altered only once; primarily, the amendments on the council dealt with their districts and their salaries.

Most of the amendments clarified and increased the powers of departments. The voters allowed the proprietary departments to continue their program of improving the city’s harbor, water, and power facilities. In 1936, the Department of Water and Power received approval from the voters to buy out the distribution lines of their one remaining competitor, the Los Angeles Gas & Electric Corporation. In 1947, the department sought and received the authority for revenue bonding, freeing it from frequent appeals to the voters in elections requiring two-thirds approval. From 1925–1939, the DWP obtained voter support for 26 of their 32 charter amendments. The voters gave the Airports Commission independent status in 1947, and this department
Table B.1
Los Angeles Charter Reform, 1850-1997

<table>
<thead>
<tr>
<th>Period</th>
<th>Number of Charter Changes</th>
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<td>On the Ballot</td>
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</tr>
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<td>Grand Total, 1850 - 1997</td>
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</table>

NOTE: "Charter Changes" includes all proposed charters and charter amendments.

followed in the footsteps of DWP and Harbor in building the city's infrastructure.39

The charter changes, however, entailed a cost. It is difficult to amend a charter without introducing new ambiguities and inconsistencies while clarifying others. The 1925 charter suffered in elegance as it grew in size and complexity. With every new amendment requiring opinions to interpret, the city attorney ended up like a Navy damage control officer trying to keep a breached ship afloat. The 1925 charter had been elegant because it provided

for the general organization of departments under Article VI. But when each department was altered over the years, inconsistencies emerged in the charter’s general sections.\textsuperscript{40}

**Pressure for a New Charter:** Groups called for a new charter in 1934, 1941, and 1950, but none of them produced anything but a few amendments. These clarion calls for new charters followed the boom and bust of the election cycle, emerging with new mayors or agendas. In 1934, the opponents of newly elected Mayor Shaw called for charter reform. In 1941, the forces that had secured Shaw’s recall pressured for a new charter to empower Mayor Fletcher Bowron. In 1950, Bowron switched gears in his last administration and contemplated making a new charter his legacy. His Little Hoover Commission called successfully for a CAO, but did not submit a new charter to the voters. Mayoral election cycles produced the 1961 charter reform effort. Sam Yorty rode into the office on calls for a new charter empowering the mayor.\textsuperscript{41}

Yorty’s complaints about the weakness of the mayor’s office rang true because of two amendments from the early 1950s. In 1951, voters approved a charter amendment establishing the CAO. The position of CAO held important budgetary powers, and its loyalties were split between the mayor and council. The mayor appointed the CAO with council consent, but only the council could remove the CAO. The mayor could refuse to approve the rules and standards the CAO prescribed for all the city’s non-proprietary departments, but the officer was authorized to plan and direct the city’s budget. The CAO detracted from the centralized budget powers the mayor had held under the 1925 charter.\textsuperscript{42}

Again in 1953, the voters weakened the mayor with respect to the council. The city agreed to a charter amendment doubling the terms of councilmembers from two to four years. The mayor could no longer out-wait a recalcitrant council and even campaign against its members to bring in a more compliant body. The council became stronger relative to the mayor due to its lengthened terms. Longer terms also enabled the council to take even more advantage of the divided loyalties of the CAO. Candidate Yorty

\textsuperscript{40}This is particularly obvious when one examines the Annual Reports of the Board of Civil Service Commissioners over the years, where changes have been quite frequent.


\textsuperscript{42}See 1925 charter, as revised to 1951, section 51, as well as the “Final Report of the Los Angeles City Charter Commission,” p. 6. The mayor could only remove the CAO with a council majority, whereas the council could remove the CAO without mayoral approval if it had a two-thirds majority.
had accurately assessed the balance of power between mayor and council in his campaign for his first term.\textsuperscript{43}


Mayor Yorty’s call for charter reform sparked city interest and a men’s civic group entitled Town Hall received a Haynes Foundation grant to study the charter. They hired UCLA professor John Bollens to study the charter and write a report. Bollens’s Herculean study suggested both incremental and radical solutions to the charter’s problems. The 1963 report led to more debate over charter changes but nothing concrete resulted. There were no charter amendments in 1964 and the 1965 amendments did not implement any of the report’s recommendations. Mayor Yorty again took an interest in 1966 and appointed a charter commission to examine the charter.\textsuperscript{44}

In 1969, the Los Angeles City Charter Commission produced a draft charter. The charter was submitted to the City Council’s Charter and Administrative Code Committee. For nine months, the committee held meetings and public hearings on the draft charter. The council and commission then spent five months hammering out disputes over the charter section by section. In August 1970, the final draft of the new charter proposal emerged. The charter did not deal effectively with the weakness of the mayor’s office.

The council naturally opposed reducing its own power and excised any such sections from the draft charter. For example, the council rejected the commission’s proposal for an Ombudsman. The Ombudsman would have acted as intermediary between the councilmembers’ constituents and the city bureaucracy. Like the United States Congress, the council relied on this power to enhance their influence with their constituents. The council also rejected the commission’s proposal to end the dual-reporting dilemma of the CAO by placing the officer clearly under the mayor in the chain of command. Finally, the council took a dim view of the commission’s proposal to make the controller a mayoral appointee rather than a separately elected official.\textsuperscript{45}

The council also made changes that took account of other players in the city. For example, the commission wanted to consolidate the three city pension

\textsuperscript{43}See 1925 charter, as amended to 1953, section 7.
\textsuperscript{44}Refer to Bollens’ study for his assessment. For a discussion of the Bollens report, see Abrahams (1967), p. 60.
\textsuperscript{45}See the “Final Report of The Los Angeles City Charter Commission,” pp. 22, 26, 28. See also Yorty’s letter to the Council, February 17, 1971.
funds. The council did not want to destroy the charter's chances, so it
avoided a potential firestorm from city employees opposed to such changes
by leaving the pension systems alone. But the council made a severe
miscalculation in terms of the proprietary departments. The commission's
draft charter had recommended only mild reforms for these institutions, but
the council had other ideas. Their proposed charter gave the council power
over salaries at Airports, Harbor, and Water and Power Departments. The
charter would also have permitted the council to require payments to the
general fund from proprietary budgets, and authorized the CAO to conduct
management audits of these departments for the first time. Opposition to the
charter ignited at the DWP, not to mention the Harbor Department. In
November of 1970, voters rejected the charter propositions. After its defeat,
the charter commissioners blamed the DWP most of all for its loss.46

Following the well-established rule of Los Angeles charter reform—'If at first
you don't succeed, try try again'—the council again placed the 1970 charter
on the ballot in 1971. The voters again rejected the proposal. Since 1971, no
new charter has been offered to the voters. But charter amendments have
filled the ballots for municipal primary and general elections, and piggy-
backed on many of the state and federal elections.47

From 1962 to 1997, the electorate considered charter amendments in 56
different plebiscites, passing 210 of the roughly 250 proposed changes (Table
B.2). Different concerns drove proposed charter amendments in this period.
The proprietary departments no longer dominated all other subjects. In fact,
the Department of Water and Power was the main subject of only ten
amendments, while only 14 alterations focused on Airports and Harbor. The
subjects indicate that 31 more amendments may have been of some interest to
the revenue-producing departments, but this is a far cry from the 1925–1961
period.

Pensions dominated the charter considerations of this period. The city's three
pension systems—DWP, Fire and Police, and the City Employee Retirement
System—have been covered by 50 different amendments. Fire and Police
pension changes were the most popular with voters. Civil service changes
account for another 43 amendments, and various election details absorbed
voter attention in 50 propositions. Because civil service amendments are a

47 For evidence that the 1970 and 1971 charters are the same, and to Yorty's mind no
improvement, see Yorty (1971).
### Table B.2
Voting on Charter Amendments by Period

<table>
<thead>
<tr>
<th>Period</th>
<th>Number of Charter Changes on the Ballot</th>
<th>Number of Charter Changes Approved</th>
<th>Percentage of Charter Changes Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850 - 1888</td>
<td>2</td>
<td>1</td>
<td>50%</td>
</tr>
<tr>
<td>1889 - 1924</td>
<td>158</td>
<td>94</td>
<td>59%</td>
</tr>
<tr>
<td>1925 - 1961</td>
<td>292</td>
<td>198</td>
<td>68%</td>
</tr>
<tr>
<td>1962 - 1997</td>
<td>251</td>
<td>210</td>
<td>84%</td>
</tr>
</tbody>
</table>

**SOURCE:** Haynes Collection, Boxes 101-107; Bollens, p. 81; Ketcham, pp. 19-30; Los Angeles City Charter, 1888-1997 (drafts, proposed amendments, and actual charters); Los Angeles Times, 1887-1997.

NOTE: "Charter Changes" include both new charters as well as amendments.

city employee concern, as are city pensions, personnel matters were the subject of almost 40 percent of the amendments over the last 36 years.

The council benefited from shifts in power in the 1960s. Based on a fragmented municipal structure, a liberal coalition on the council would turn its minimal charter authority into a governing coalition. The council perfected the system in which voters in a district could get a response from a massive city bureaucracy only by contacting their councilperson. In addition, the council took advantage of its longer terms and its ability to pressure the CAO. With a council coalition, quid pro quo back-scratching at city departments, and a city administrator over which it had some authority, the council enhanced its role.48

In the past 25 years, elected officials have consistently sought to increase their powers at the expense of departments. In 1975, voters rejected a charter amendment that would have made councilmembers eligible for appointment to offices, boards, and commissions. This amendment would have been a significant departure from the rigid separation of powers codified in the 1925 charter. But the city soon began to compromise legislative-executive separation. In 1977, voters agreed to an amendment allowing the city council to initiate changes in the city's General Plan, rather than just the Planning Commission. The electorate also permitted the mayor and council to set pay rates for all city employees, disenfranchising eight separate institutions that held this power. But the council's success was not complete

Two amendments that voters did not approve would have represented a significant shift. One amendment proposed taking powers from the

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Recreation and Parks Department and putting them in the hands of the mayor and council. Another proposition would have given the mayor and council power to establish limits on intradepartmental transfers of surplus budget funds. The failure of these two amendments temporarily upheld a modicum of the city’s separation of powers.

In 1991, however, the voters approved Proposition 5, an amendment that gave unprecedented powers over boards and commissions to the city council. Not only did this change empower elected officials at the expense of appointees, it fundamentally redrew the lines between executive/administrative and legislative authority.

Elected officials were not content to chip away at the powers of departments. They tried repeatedly to persuade voters to transfer authority over departmental managers from commissions to the mayor and council. In 1980, voters faced an amendment creating a separate personnel system for most management executives in the city. The amendment was billed as a measure to increase the accountability of these managers to elected officials. Upon the amendment’s failure, it was resubmitted in 1983, 1984, 1993, and 1995. In 1983, the amendment was even promoted as creating a “merit system” for top city administrators. The term “merit system” traditionally described civil service, while this amendment removed managers from civil service protections as well as control by their commissioners. In 1995, voters supported the amendment, and accountability was the issue rather than civil service protection. The “try try again” formula paid off for elected officials.

Elected officials agreed on the desirability of taking powers from departments and commissioners. However, the council and mayor fought each other for power as well. In 1977, the voters turned down an amendment allowing the council to reject the mayor’s commission appointments by taking no action for 45 days. The amendment would have given the council a sort of a pocket veto on mayoral appointees. But the voters did consent to an amendment requiring council confirmation of the mayor’s dismissal of commissioners. The voters chose to enhance the powers of the legislative branch at the expense of the executive branch. Simultaneously, they allowed more council involvement in administrative matters forbidden to legislators under the original 1925 charter.49

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49 It is not absolutely clear to us why a charter change was needed to secure dismissal powers for the council, as these were originally part of the 1925 charter. It is possible that an obscure change had occurred between 1925 and 1977 that had removed this power.
From 1961–1997, voters increased the accountability of departmental managers and commissioners to elected officials. They also enhanced the direct administrative authority of elected officials at the expense of appointed commissioners. If the charter reformers of 1902 were concerned with efficiency, the charter reformers of recent times have taken up the call of accountability. Accountability was important to the 1902 reformers, who gave us direct democracy, but not as central as efficiency. Even more than their predecessors, current reformers have been interested in putting a tighter leash on elected officials. In 1993, Los Angeles voters used the charter amendment—and, moreover, a charter amendment that emerged from the initiative process—to put a two-term limit on all city officials. Currently, reform discourse in Los Angeles focuses on both democratic accountability and administrative efficiency. The 1925 charter framers solved that dilemma with citizen commissioners.

But the commission system is not the same today as it was in 1925. In 1938, Mayor Bowron asked for and received resignations from his predecessor’s commissioners. Bowron set a precedent, and this informal practice of commissioners resigning en masse for a new mayor has decreased departmental independence. There are reports that Mayor Tom Bradley took Bowron’s precedent one step further and asked for signed resignations from all of his commissioners when they took office. The 1925 charter’s fixed-term commission appointments have informally given way to appointments at the pleasure of the mayor.50

Voters have amended the charter over 400 times, swelling it from 95 pages to over 700. The original 1925 charter provided a firm economic foundation with its strong infrastructure-securing departments. The 1925 charter was not a radical departure from the past, but rather retained the mayor-council-commission system. Today’s reform commissions could do well to pay attention to the lessons of the 1925 charter. Both the forward-looking structure that it conceived as well as the process by which the board built consensus bear imitation.

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50 As Abrahams points out, this change was not at all the intention of the framers of the 1925 charter. See Abrahams (1967), pp. 110-111, 231-234. For details on the commencement of the Bowron administration, see Tom Sitton (1983).
References


Haynes, John Randolph, Collection, Los Angeles: University of California, Los Angeles Special Collections Library, 1937.


Los Angeles City Clerk, “Election Results, May 6, 1924,” 1924.


Yorty, Samuel, "Subject: Proposed City Charter" (Letter from the Mayor to the Los Angeles City Council), February 17, 1971, Council File 71-551, Los Angeles Records Management Office.
Appendix C

Comparing Los Angeles' Governance System with Those of Other Cities

How does Los Angeles' governance system compare with those of other cities? Table C.1 lists the forms of municipal government used by the 100 largest cities in the United States. The three most common forms of urban government in the nation are the mayor-council, commission, and city manager systems. Although a number of cities use the town meeting system, they tend to be fairly small in population and geographically limited to New England. None of the country's 100 largest cities use the town meeting system.

The mayor-council system—the predominant governance system for big cities in the United States—has many different forms. Cities with the mayor-council form may be classified as possessing either a strong or weak mayor system. Strong mayors typically hold the budgetary, appointment and veto powers characteristic of state governors. Weak mayors may be subject to council control of a number of the city's administrative functions. Los Angeles is a mayor-council city, but there is disagreement about whether it is a weak or strong mayor system.

Reformers attacked the mayor-council system around the turn of the century and suggested the commission plan to replace it. The commission system features a functionally rather than geographically organized council with a mayor who is typically the commissioner responsible for public safety. Although the commission plan enjoyed a brief vogue, it was considered inappropriate for large cities and was soon replaced by a return to the mayor-council system or, more commonly, an experiment with city manager government, the urban progressives' new brainchild. In 1912, Angeleno voters rejected a commission charter.

The city manager system promises business-like government patterned on the model of the corporation. Elected councilmembers employ a professional manager to conduct the routine business of city government. Policy is made by the elected council, while its administration is handled by the manager. Because of its attraction to the business community and suburbanites,
<table>
<thead>
<tr>
<th>Mayor-Council</th>
<th>Council-Manager</th>
<th>Commission</th>
<th>Mayor-Council</th>
<th>Council-Manager</th>
<th>Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York City, NY</td>
<td>San Diego, CA</td>
<td>N/A</td>
<td>Tampa, FL</td>
<td>Santa Ana, CA</td>
<td>St. Petersburg, FL</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td>Phoenix, AZ</td>
<td></td>
<td>Louisville, KY</td>
<td>Arlington, TX</td>
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</tr>
<tr>
<td>Chicago, IL</td>
<td>Dallas, TX</td>
<td></td>
<td>Birmingham, AL</td>
<td>Anaheim, CA</td>
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<tr>
<td>Houston, TX</td>
<td>San Antonio, TX</td>
<td></td>
<td>St. Paul, MN</td>
<td>Corpus Christi, TX</td>
<td></td>
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<tr>
<td>Philadelphia, PA</td>
<td></td>
<td></td>
<td>Newark, NJ</td>
<td>Aurora, CO</td>
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<td>Detroit, MI</td>
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<td>Anchorage, AK</td>
<td>Riverside, CA</td>
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<td>Lexington, KY</td>
<td>Norfolk, VA</td>
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<td>Rochester, NY</td>
<td>Raleigh, NC</td>
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<td>Baton Rouge, LA</td>
<td>Stockton, CA</td>
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<td>Jersey City, NJ</td>
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<td>Akron, OH</td>
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<td>Mobile, AL</td>
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<td>Lincoln, NE</td>
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<td>Greensboro, NC</td>
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<td></td>
<td>Montgomery, AL</td>
<td>Lubbock, TX</td>
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<td>Madison, WI</td>
<td>Garland, TX</td>
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<td>Des Moines, IA</td>
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<td>Jackson, MS</td>
<td>Spokane, WA</td>
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<td></td>
<td>Yonkers, NY</td>
<td>Bakersfield, CA</td>
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<td></td>
<td>Fort Wayne, IN</td>
<td>Grand Rapids, MI</td>
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<td>San Bernardino, CA</td>
<td>Huntington Beach, CA</td>
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<td>Newport News, VA</td>
<td>Columbus, GA</td>
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<td>Fremont, CA</td>
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<td></td>
<td></td>
<td>Tacoma, WA</td>
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<td></td>
<td>Chesapeake, VA</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Dayton, OH</td>
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</tr>
</tbody>
</table>

**Table C.1**

The 100 Largest Cities in the United States in Terms of Governmental Structure

**SOURCE:** International City/County Managers Association’s *Municipal Yearbook*, 1996; *The World Almanac and Book of Facts*, 1997, pp. 386-387. The ICMA’s *Municipal Year Book*, 1997 could not be used because it did not provide this information on local governmental structure.
particularly in the South and West, the city manager system became the
dominant form of urban governance in these two regions. The city manager
form of government is called the council-manager system, and a number of
cities using it have a mayor who is a councilmember. In 1916, Los Angeles
voters turned down a proposed council-manager charter.

Table C.1 demonstrates that most American cities employ either the council-
manager or mayor-council forms of municipal government. Moreover, the
mayor-council form predominates in cities with 500,000 or more inhabitants.
Indeed, the five large cities with council-manager governments are all located
in the Southwest and adopted the manager plan when these cities were much
smaller.\(^1\)

The Renner and DeSantis Study, which is based on a 1991 survey of nearly
5,000 cities, concludes that the adoption of mayor-council and council-
manager charters is correlated with city size. The mayor-council system is the
dominant form of governance in cities with over 500,000 inhabitants. In cities
with 10,000 to 250,000 population, the council-manager system predominates.
In cities smaller than 10,000 residents, no specific type of government
constitutes a majority. Only a small fraction of cities employ a commission
form in any population grouping. There are only three commission plan
cities among the United States’s 100 most populous cities. Los Angeles is
typical of the nation’s big cities in its choice of the mayor-council structure.\(^2\)
(See Table C.2.)

The Renner Study also points out the regional differences that exist in
municipal government structures. Pacific Coast cities are the most likely to
prefer the council-manager structure. Cities in the West South Central and
South Atlantic regions also tend to prefer the manager plan. The mayor-
council form, by contrast, predominates in East South Central and North
Central cities. Los Angeles corresponds more to the big Eastern city pattern
than to the California norm. A close examination of the California cities in
Table C.1 shows that among the 15 largest cities in California, only Los
Angeles and San Francisco have mayor-council governments.

\(^1\)San Diego adopted the manager plan in 1931, Phoenix in 1949, Dallas in 1930, San Antonio
in 1951, and San Jose in 1915. Note that all of these cities turned to the manager form after having
used the commission plan, the exception being San Jose, whose commission charter itself
provided for a city manager. See Bridges (1997), p. 10.

\(^2\)See Renner and DeSantis, 1994 for tables indicating population groupings and form of
government, verifying this correlation in a survey of nearly 5,000 cities. The Renner and DeSantis
article and their tables drawn from the International City Managers Association’s survey will be
referred to hereinafter as the Renner Study.
Table C.2
Governmental Structure of the 100 Largest Cities in the United States

<table>
<thead>
<tr>
<th>Population Ranges</th>
<th>Mayor-Council</th>
<th>City Manager</th>
<th>Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>500,000+ (N=24)</td>
<td>79%</td>
<td>21%</td>
<td>0%</td>
</tr>
<tr>
<td>300,000-500,000 (N=30)</td>
<td>40%</td>
<td>53%</td>
<td>7%</td>
</tr>
<tr>
<td>200,000-300,000 (N=24)</td>
<td>54%</td>
<td>42%</td>
<td>4%</td>
</tr>
<tr>
<td>&lt;200,000 (N=22)</td>
<td>41%</td>
<td>59%</td>
<td>0%</td>
</tr>
</tbody>
</table>


The distinction between mayor-council and council-manager systems does not provide a fine-grained comparison. It is also important to distinguish strong from weak mayor systems. Some students of urban politics have confused weak mayor systems with council-manager systems that provide for a councilmember to act more or less as a ceremonial mayor. In fact, it is correct to refer to a mayor-council city as having a strong or weak mayor system.

There is a debate about whether Los Angeles is a strong or weak mayor city. Although some observers argue that the city employs a weak mayor system, the budgetary, appointment, and veto powers given the mayor by the charter suggest that a detailed comparison of Los Angeles with other cities is warranted. The Renner Study uses four indicators to distinguish between strong and weak mayor systems: the presence of a CAO, the mayor’s budgetary role, the mayor’s appointment powers, and the mayor’s veto authority.

Like two-thirds of all American cities, Los Angeles employs a CAO. But Los Angeles’ use of a CAO distinguishes it both from other mayor-council cities (only one-third of which employ CAOs) and from other large cities. Most large cities (those with over 500,000 residents) do not have CAOs; CAOs are most likely to be employed in cities with between 25,000 and 250,000

\[3\] For a discussion of strong and weak mayor forms, see Adrian and Press (1977); Adrian (1988); and Svara (1994). Herson and Bolland (1990) use the strong-weak mayor distinction incorrectly, Adrian and Press (1977) make the argument that Los Angeles has a weak mayor system. The fact that the mayor’s budget becomes law if the council stalemates suggests a stronger mayor than Adrian and Press would think.
residents. Los Angeles’ use of a CAO is, however, typical of Pacific Coast cities (92 percent of which have CAOs).4

The degree to which mayors hold budgetary powers or share them with a CAO can also be used to index mayoral power. The Renner Study finds that 15 percent of cities make the mayor responsible for budget development, 47 percent of cities make the CAO responsible, 4 percent have a combined mayor-CAO process, and 34 percent develop their budget in some other way. Los Angeles gives responsibility for budget development to the mayor with the CAO’s assistance, but the mayor clearly controls the budget process under the charter. Table C.3 compares Los Angeles with the nation’s ten largest cities along this and other dimensions. New York, Chicago, and Houston also give their mayor budget preparation authority, while San Diego and San Antonio do not. Since Philadelphia and Detroit are often described as strong mayor cities, it is likely that they accord their mayor a budget preparation role. Because Dallas and Phoenix are council-manager cities, we can reasonably assume that they do not. In its mayor’s budgetary development powers,5 Los Angeles typifies mayor-council cities with more than 500,000 people.

Another key index of mayoral power is the ability to appoint department heads. According to the Renner Study findings, 26 percent of the nation’s cities allow their mayor to appoint department heads, 31 percent give their CAO this power, 7 percent use a mayor-CAO combination, and 36 percent employ some other method. Most of Los Angeles’ department heads are appointed by the mayor and confirmed by the council. Unfortunately, the study does not make it clear whether this would be considered as a mayoral appointment system or as “other.” Mayoral appointment is the preferred method for 70 percent of cities with over 500,000 inhabitants. In cities from 25,000 to 500,000 population, the CAO is most often the appointing power. For smaller cities, some other method of appointment is used.

Most mayor-council systems give appointment power to the mayor (55 percent), while most council-manager cities give this role to the CAO (60 percent). East North Central and East South Central cities are most likely to

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4Los Angeles’s CAO is the product of a charter amendment rather than a state law or ordinance. Most cities that have CAOs create the office by charter, especially cities with more than 500,000. Charter recognition gives the CAO more independence from the mayor than an ordinance might, but less than state law might allow. See Renner and DeSantis, p. 62, for tables on national trends in CAO creation.

5The details on the CAO’s budgetary role in Los Angeles are in sections 51, 354.1, and 355 of the 1997 charter. The region in which Phoenix and Dallas are located would also make it unlikely for them to have a ceremonial mayor with budgetary development powers. See Renner and DeSantis, p. 62.
give the mayor appointing power, while 57 percent of Pacific Coast cities empower the CAO.

Apart from the issue of council confirmation, Los Angeles corresponds to the pattern of the nation's other big cities. Table C.3 indicates that New York City takes the trend one step further than Los Angeles: New York's charter does not require council approval of the mayor's appointees. Much of the literature suggests that the Los Angeles pattern of council confirmation of mayoral appointees is closer to the norm nationwide.6

But the appointment of department heads is only one kind of power that mayors can exercise over administration. In cities that make extensive use of commissions as department heads, commission appointments are also important. Although many cities turned away from administrative commissions after the 1870s, Los Angeles and other California cities continued to rely upon them for important municipal functions. Los Angeles allows the mayor to appoint and the council to confirm the city's commissioners. Table C.4 demonstrates that California's next ten largest cities also use charter boards. Although they range in membership from three to 62 commissioners, most boards appear to include Los Angeles' traditional five-member commissions. Los Angeles' charter gives the mayor the power to appoint commissioners with council confirmation. Six of the other ten large California cities have much the same system, while four give the council appointment power in the manner that Los Angeles did under its first home rule charter. Some observers see mayor-appointed commissions as inherently weakening a mayor's power, but in cities controlled by civil service this may not be entirely true.7

A final index of mayoral power is the mayor's legislative leadership and veto power. According to the Renner Study, 82 percent of council-manager and 35 percent of mayor-council cities make the mayor a member of the council.

Furthermore, 73 percent of council-manager and 21 percent of mayor-council governments allow the mayor to vote on all issues. Los Angeles follows the general tendency of mayor-council cities in giving its mayor no seat or vote on the council. But the mayor may present recommendations in a State of the City message as well as guide legislation through budget priorities. The

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6This observation comes from general observation of the available literature on American urban government, rather than from specific citations.
7Adrian and Press argue that commissions weaken a mayor's power. This may be true in a city where extensive patronage could instead put municipal employees under a mayor's thumb. But in civil service cities with few serving at the pleasure of the mayor, appointed commissions might provide access points for influence over permanent bureaucrats.
### Table C.3

Mayoral Power in the Ten Largest Cities in the United States

<table>
<thead>
<tr>
<th>City</th>
<th>Form of Gov't</th>
<th>Veto</th>
<th>Budget Preparation Powers</th>
<th>Appointments</th>
<th>Removals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>General Item</td>
<td>No Council Input</td>
<td>With Council Approval</td>
</tr>
<tr>
<td>New York</td>
<td>Mayor</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>Mayor</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Chicago</td>
<td>Mayor</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Houston</td>
<td>Mayor</td>
<td>Likely</td>
<td>Likely</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>Mayor</td>
<td>Likely</td>
<td>Likely</td>
<td>Likely</td>
<td>Informal</td>
</tr>
<tr>
<td>San Diego</td>
<td>Manager</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Phoenix</td>
<td>Manager</td>
<td>No</td>
<td>No</td>
<td>Unlikely</td>
<td>Unlikely</td>
</tr>
<tr>
<td>Dallas</td>
<td>Manager</td>
<td>No</td>
<td>No</td>
<td>Unlikely</td>
<td>Unlikely</td>
</tr>
<tr>
<td>San Antonio</td>
<td>Manager</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Detroit</td>
<td>Mayor</td>
<td>Yes</td>
<td>Likely</td>
<td>?</td>
<td>Likely</td>
</tr>
</tbody>
</table>


**NOTE:** The powers of the mayor rather than the manager are the subject of this table. Thus, in the council-manager cities, the city’s ceremonial mayor’s powers are listed above.
Table C.4
Charter Boards and Term Limits in California's Largest Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Number of Charter Boards</th>
<th>Nominal Size of Boards</th>
<th>Appointing Power</th>
<th>Confirming Power</th>
<th>Board Members' Term (years)</th>
<th>Elected Officers' Term Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles</td>
<td>15</td>
<td>5-7</td>
<td>Mayor</td>
<td>Council</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>San Diego</td>
<td>7</td>
<td>5-11</td>
<td>Mayor</td>
<td>Council</td>
<td>4-6</td>
<td>2</td>
</tr>
<tr>
<td>San Jose</td>
<td>3</td>
<td>5-7</td>
<td>Council</td>
<td></td>
<td>4-6</td>
<td>3</td>
</tr>
<tr>
<td>San Francisco</td>
<td>22</td>
<td>5-62</td>
<td>Mayor</td>
<td>Council</td>
<td>1-4</td>
<td>2</td>
</tr>
<tr>
<td>Long Beach</td>
<td>6</td>
<td>5-11</td>
<td>Mayor</td>
<td>Council</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Fresno</td>
<td>4</td>
<td>4</td>
<td>Mayor</td>
<td>Council</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Sacramento</td>
<td>1</td>
<td>5</td>
<td>Council</td>
<td></td>
<td>5</td>
<td>none</td>
</tr>
<tr>
<td>Oakland</td>
<td>6</td>
<td>3-7</td>
<td>Mayor</td>
<td>Council</td>
<td>4</td>
<td>none</td>
</tr>
<tr>
<td>Santa Ana</td>
<td>3</td>
<td>7</td>
<td>Council</td>
<td></td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Anaheim</td>
<td>3</td>
<td>5-7</td>
<td>Council</td>
<td></td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Riverside</td>
<td>5</td>
<td>7</td>
<td>Mayor</td>
<td>Council</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>


primary role accorded the mayor of Los Angeles in regard to legislation is the veto; in fact, Los Angeles' mayor is stronger than some others because of the item veto the office carries.

The Renner Study indicates that 31 percent of all cities give their mayors a veto. Among the largest cities (those over 500,000 population) the figure jumps to 80 percent. The veto is a mayoral prerogative in 56 percent of mayor-council cities but only 12 percent of council-manager cities. Pacific Coast cities are least likely to give their mayors a veto (13 percent), while West North Central cities are most likely (47 percent). Here again, Los Angeles corresponds to the pattern of big cities east of the Mississippi River more than to the Southwestern mode. In terms of the top ten cities covered in Table C.3, at least four and probably six of the ten give their mayor a veto. Chicago, Detroit, and New York follow Los Angeles in allowing the mayor to veto legislation. Because they are described as strong mayor cities in the recent literature, it is highly likely that Houston and Philadelphia give their mayor veto powers as well. Only the four council-manager cities fail to provide mayors with a general veto. At this point, it has not been possible to ascertain how many cities follow Los Angeles in providing for the item veto.

In terms of veto, appointment, and budget powers, then, Los Angeles is comparable with cities its size. James Svara defines a strong mayor system as involving "a mayor with extensive powers and integrated administrative control over staff." Given the limitations of civil service, one might argue that Los Angeles' mayor fits this definition. What the office loses in competition
with executive boards it gains in terms of extensive budget powers, including the item veto. The city’s government cannot be termed a weak mayor system just because there are commissions.

Mayoral powers are not the only bases on which to compare city structure; one must also examine city councils to more fully benchmark Los Angeles’ governance. We next compare Los Angeles in terms of the size of its council, the manner in which the council is elected and term limits. With only 15 council districts in a city of almost 3.5 million residents, councilmembers in Los Angeles represent more constituents than any other American city with district elections. Each councilperson in Los Angeles represents nearly 230,000 residents. By contrast, in Chicago a councilmember represents about 55,000 people (Table C.5). The average for the nation’s top ten cities is about 106,000 people per councilmember, excluding Los Angeles.

Los Angeles also has far fewer councilpersons per capita than is customary in California cities. The San Diego city council’s nine members each represent about 128,000 people compared to the 229,908 represented in Los Angeles (Table C.6). In Santa Ana, each councilmember has around 42,000 constituents. Each San Francisco councilmember has only about 67,000 constituents. Table C.7 shows council structure and term limits in the 10 largest U.S. cities.

### Table C.5

<table>
<thead>
<tr>
<th>City</th>
<th>Residents per Councilmember</th>
<th>City Population, 1997</th>
<th>Members of Council</th>
<th>District Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles</td>
<td>229,908</td>
<td>3,448,613</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>New York</td>
<td>143,789</td>
<td>7,333,253</td>
<td>51</td>
<td>51</td>
</tr>
<tr>
<td>Phoenix</td>
<td>131,119</td>
<td>1,048,949</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>San Diego</td>
<td>127,997</td>
<td>1,151,977</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Houston</td>
<td>121,578</td>
<td>1,702,086</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>Detroit</td>
<td>110,226</td>
<td>992,038</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td><strong>Average</strong>, excluding L.A.</td>
<td>105,773</td>
<td>2,195,464</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>San Antonio</td>
<td>99,891</td>
<td>998,905</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>89,662</td>
<td>1,524,249</td>
<td>17</td>
<td>10</td>
</tr>
<tr>
<td>Dallas</td>
<td>73,059</td>
<td>1,022,830</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>Chicago</td>
<td>54,635</td>
<td>2,731,743</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>


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Table C.6

Council Size in Major California Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Residents per Council-member</th>
<th>City Population, 1997</th>
<th>Members of Council</th>
<th>District Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Los Angeles</td>
<td>229,908</td>
<td>3,448,613</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>San Diego</td>
<td>127,997</td>
<td>1,151,977</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>San Jose</td>
<td>81,688</td>
<td>816,884</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Anaheim</td>
<td>70,533</td>
<td>282,133</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>San Francisco</td>
<td>66,789</td>
<td>734,676</td>
<td>11</td>
<td>0</td>
</tr>
</tbody>
</table>

Average, excluding L.A.: 64,946

Fresno 55,222
Long Beach 48,206
Sacramento 46,746
Oakland 45,787
Santa Ana 41,547


Table C.7

Council Structure and Term Limits in the Ten Largest U.S. Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Form of Gov’t</th>
<th>Councilmembers</th>
<th>Term Length (Years)</th>
<th>Term Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Mayor</td>
<td>51 Total, 51 District, 0 At-Large</td>
<td>4 Council, 4 Mayor</td>
<td>? Council, ? Mayor</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>Mayor</td>
<td>15 Total, 15 District, 0 At-Large</td>
<td>4 Council, 4 Mayor</td>
<td>Yes Council, Yes Mayor</td>
</tr>
<tr>
<td>Chicago</td>
<td>Mayor</td>
<td>50 Total, 50 District, 0 At-Large</td>
<td>4 Council, 4 Mayor</td>
<td>? Council, ? Mayor</td>
</tr>
<tr>
<td>Houston</td>
<td>Mayor</td>
<td>14 Total, 9 District, 5 At-Large</td>
<td>2 Council, 2 Mayor</td>
<td>Yes Council, Yes Mayor</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>Mayor</td>
<td>17 Total, 10 District, 7 At-Large</td>
<td>4 Council, 4 Mayor</td>
<td>? Council, ? Mayor</td>
</tr>
<tr>
<td>San Diego</td>
<td>Manager</td>
<td>8 Total, 8 District, 0 At-Large</td>
<td>4 Council, 4 Mayor</td>
<td>Yes Council, Yes Mayor</td>
</tr>
<tr>
<td>Phoenix</td>
<td>Manager</td>
<td>8 Total, 8 District, 0 At-Large</td>
<td>2 Council, 2 Mayor</td>
<td>? Council, ? Mayor</td>
</tr>
<tr>
<td>Dallas</td>
<td>Manager</td>
<td>14 Total, 0 District, 14 At-Large</td>
<td>2 Council, 2 Mayor</td>
<td>? Council, ? Mayor</td>
</tr>
<tr>
<td>San Antonio</td>
<td>Manager</td>
<td>10 Total, 10 District, 0 At-Large</td>
<td>2 Council, 2 Mayor</td>
<td>? Council, ? Mayor</td>
</tr>
<tr>
<td>Detroit</td>
<td>Mayor</td>
<td>9 Total, 0 District, 9 At-Large</td>
<td>4 Council, 4 Mayor</td>
<td>? Council, ? Mayor</td>
</tr>
</tbody>
</table>


The choice of at-large versus district representation for councilmembers raises important issues about how to balance the interests of diverse population groups with those of citywide interests. District elections are viewed as facilitating fair representation for diverse populations, while at-large elections support a holistic view of a city’s needs. Some cities deal with this issue by employing a mixed system that elects some members by districts and others at-large. Los Angeles employs a district approach—the norm among the ten most populous cities both nationally and in California. Of the top ten
nationwide, Dallas and Detroit employ at-large council elections while
Houston, Philadelphia, and San Diego have mixed systems. Of the top ten
statewide, San Francisco has at-large elections while Oakland and San Diego
have mixed systems. Los Angeles pioneered the move to district elections in
California, creating them over 40 years before courts imposed them in
response to voting rights lawsuits. In terms of council elections, then, Los
Angeles is quite comparable to other cities.

Another area in which Los Angeles can be benchmarked with other cities
concerns term limits. Los Angeles has enacted term limits for all elective
offices and even some appointed ones. Only 11 percent of all cities surveyed
have them for mayors—one quarter of which are located in the Pacific region.
Council-manager cities are more likely to have term limits on mayors than
mayor-council cities. Only 8 percent of the cities surveyed have term limits
for councilmembers. Pacific Coast and council-manager cities again are most
likely to have enacted term limits. Term limits seem to have gone furthest in
California and the West.

Finally, what are the recent charter reform trends in the nation? In 1986, 24
percent of the cities in the country attempted to change their governmental
structure; this figure fell to 13 percent in 1991. Reform efforts were made in
1986 by 29 percent of the cities with over 500,000 residents, while only 10
percent of cities this size attempted reform in 1991. Interest in charter reform
has been more prevalent in very large cities. In 1989, New York City revised
its charter to eliminate the Board of Estimate and some of the powers of
borough presidents; in 1996, the city dealt with reform proposals regarding
campaign contribution limits and televised debates. In 1994, Houston revised
its charter to enact term limits and to alter the zoning process. In 1992,
Philadelphia began a two-year process which produced a new city charter
increasing the city's flexibility to deal with poverty, housing, and
transportation problems. In 1993, Detroit elected a board to revise its charter;
the charter passed in 1996, along with amendments eliminating city
responsibility for sidewalks and allowing it to privatize municipal services.
In 1988, San Diego altered its charter to provide for court-mandated district
elections; in 1995 the city began to consider proposals to create a permanent
ethics commission. In 1989, Dallas revised its charter to give its mayor a four-
year term; in 1993, the city amended the charter to provide for court-imposed
district council elections. The only cities that haven't recently attempted
charter reform are Chicago, Phoenix, and San Antonio.

All in all, seven of the ten largest cities in the United States undertook charter
reform in the 1990s, and two of these seven were working on separate reform
projects in the late 1980s. Of the three without a reform effort in the 1980s and 1990s, San Antonio is still exploring the consequences of its 1977 redistricting reform. In addition, six of California’s 11 largest cities have recently experienced reform efforts (all but Sacramento, if term limits are included). According to the Renner Study, the most frequent charter changes considered in 1986 and 1991 involved moving from at-large to district elections and adding the position of CAO. Like most of the nation’s large cities, Los Angeles uses the mayor-council system, gives its mayor appointment, veto, and budget powers, and elects its councilmembers by districts rather than at-large. In sum, in most aspects of its governance, Los Angeles is a typical big city.

References


“Charter Wars: Charter Reform in the City of Los Angeles,” Urban Policy Clinic, Claremont Graduate School, Fall 1996.


Appendix D

Findings from Interviews

In conjunction with this study, structured interviews were conducted with individuals who, through current or prior experience, were familiar with charter reform issues. The purpose of these interviews was to obtain in-depth perspectives and information on the major issues facing the city and region, how those issues relate to the charter, and comments about improving the current reform process. The interviewees fell into two categories. The non-government group included service providers to city governments, special interest groups, media, and business and academic experts. The government group included current elected officials, department heads, staff, and those serving on commissions. This analysis points out broad areas of agreement among our interviewees, identifies issues that are not top priority for charter reform, and areas where there was disagreement between the groups.

There was broad agreement on the hopes for reform: a simpler charter, faster decisionmaking, and clearer lines of authority within the government. There was also agreement that the city faced problems regarding education and regional issues, but there was no clear consensus on how charter reform would affect these problems. Somewhat surprisingly, basic city services were not a paramount issue, but the regulatory systems in the city—planning, zoning, building and safety—were universally criticized. Civil service reform was not a top priority, and most advocated only marginal changes. Both groups recognized the concern with citizen input to decisionmaking, with the government group stressing the need to empower neighborhoods, while the non-government group focused on improving access to the government more generally. The non-government group had more concern about investment in city infrastructure. There was no agreement about the importance of charter reform; all said it was important but varied as to how important. Finally, there was little agreement on strategies for passage of charter reform.

Areas of Agreement

The argument for a simpler charter was often made in conjunction with an argument for a simpler, more understandable government. Many felt that the political, social, economic, and governmental environment in Los Angeles
had become more complex and, as a result, the rules of government needed to be as clear and easy to understand as possible. Beyond making government processes more transparent, there was no consensus on how and what to simplify. Many appeared to believe the appropriate model for a city charter was the national Constitution—described as short and understandable. Some argued that the city charter should include a statement of principals and goals. Many also felt that the charter should allow as much flexibility as possible to deal with future problems, and, by implication, a simpler charter allowed more flexibility. A small minority argued against a short and simple charter, believing the power of officials needed to be restricted.

There was virtual consensus in favor of clearer lines of authority within the city government. This recommendation was often made in response to what was viewed as the current confusion over separation of powers. Many expected the city’s government to follow the national model, with a clear separation between a legislative branch that makes policy and an executive branch that administers policy. Almost all interviewees believed the current council is heavily involved in the administration of policies. Some described the city council as 15 separate administrators, and in the words of one non-government interviewee, this is an “invitation to chaos.”

The call for clearer lines of authority implied a government model where all departments report to the executive in the city, yet there was ambivalence about increasing the power of the mayor—a logical outcome of having all the departments report to the mayor. Many felt the current problems are not the result of lack of mayoral power but rather a lack of leadership. There was also minimal support for adding a city manager–type executive, or increasing the powers of the city administrator to those of a city manager. In short, there was no clear agreement on the appropriate distribution of power in the government. Several interviewees, however, suggested revisiting Proposition 5—the proposition that allows the city council to override commission decisions with a two-thirds vote.

Government in Los Angeles also includes multiple commissions with varying degrees of power over city departments. There was no consensus on the value of commissions and their potential future roles in the city. Few called for abolishing the commissions, and those that did called for selective abolishment, with clear support for the role of the Police and Ethics Commission. Most were simply not sure what to do with the commissions. There was, however, a clear minority point of view that commissions are part of what makes Los Angeles unique and should be preserved.
The problems that clearer lines of authority were expected to solve were varied. Most of the government interviewees, and many of the non-government interviewees, expect clearer lines of authority to increase cooperation and coordination between departments. Lack of cooperation and coordination between departments was a complaint voiced by many interviewees. Some believed the current system allowed different regulatory departments to require citizens to perform contradictory actions to receive permits. Many expected clearer lines of authority to increase departmental accountability. A few interviewees were not sure that increasing accountability to the executive would result in increased accountability to the voters. These interviewees seemed to believe that accountability to a citywide official would not increase accountability to neighborhoods.

A near-universal call for faster decisionmaking with respect to land-use decisions was most often cited. Many felt that it took too long to receive zoning variances. The zoning process was characterized as political, lengthy, and difficult to finalize. Some of the non-government interviewees cast slow decisionmaking as a competitiveness issue. They argued that Los Angeles needs to compete with other localities for business and the city’s slow permit process gives a competitive advantage to other cities. A few interviewees saw an inherent tension between faster decisionmaking and access for all citizens. A non-government interviewee put it this way, “There is a negative public perception that government is unresponsive and sluggish. But government is sluggish because there are more players at the table, which is not a bad thing. . . .”

Increasing the size of the city council was a point of general agreement, but not a top priority for most of the interviewees. Many felt that the current size of the council prevented effective representation. But few expressed an opinion as to what the optimal size of the council should be. Many interviewees recommended adding at-large members to the council as a method of increasing the number of elected officials with a citywide perspective. Most who argued for a larger city council did not argue for increased allocations for council staff. Instead, they felt that current allocations should be sufficient for a larger city council.

**Charter Reform Is Marginally Related to Some Issues**

Some issues, most clearly education and regional issues, were seen as marginal to charter reform—although K-12 education was a universal concern. Few knew that the charter created the governing structure for the
Los Angeles Unified School District (LAUSD). Some argued for using charter reform to change the school district, others argued strongly that reform of the schools was a "third rail" that would scuttle charter reform. Despite uniform unhappiness with the performance of the current educational system, most interviewees were unsure how to improve the situation.

Concern about regional issues, such as water, air quality, and transportation, was universal. The general point of view was that the city is not a region itself but part of a much larger region. While Los Angeles may be the largest single city in this region, solutions to regional issues must be through agreements across jurisdictions. There was consensus that these agreements were not occurring now. Many of the non-government interviewees were concerned about the performance of the current institutions for intergovernmental cooperation—SCAG, SCAQMD and the MTA.

For many, regional issues were the most pressing problems facing the city, and ones that charter reform only tangentially addresses. Some interviewees suggested that Los Angeles needed representation at regional decisionmaking bodies by people who have the authority and power to negotiate for the city and commit resources to agreements.

There was general consensus that tinkering with the city's civil service system was appropriate, but not a top priority. There was no agreement on what should be changed, nor was there a call for wholesale ending of worker protection. Some concerns were couched in terms of city workers having working conditions that private industry workers do not, such as a job for life and higher pensions. Others were more concerned with management's civil service protection and the tension between civil service protection for managers and the ability of elected officials to hold managers accountable. This group generally favored moving more top managers out of civil service. Finally, a minority knowledgeable of personnel operations argued that civil service protections and collective bargaining rights were redundant and both may not be necessary.

The reorganization of basic service provision was not a priority issue. Trash collection, street maintenance and cleaning, and fire protection were seen as fairly well done. Concerns about the Police Department were secondary or tertiary to other problems. The most universal concern about city functions related to the city's regulatory system. All interviewees criticized the city's zoning, planning, building permit, or business licensing processes.
Areas of Disagreement Between the Groups

Government interviewees uniformly emphasized that charter reform needed to empower neighborhoods. There was, however, no agreement as to the appropriate mechanisms that should be created to achieve this empowerment. In general, the interviewees characterized the public as “uninformed and inactive. . . .” Many feared that empowered neighborhoods would be parochial, and only represent a NIMBY (not in my backyard) perspective. All interviewees, including the strongest advocates of neighborhood councils, recognized a tension between local and regional issues.

The non-government interviewees focused much more on increasing citizen access to government. Such access might be increased through some reshaping of existing institutions that would allow more direct communication with political and administrative decisionmakers. In particular, they stressed the public need to know “who to call, who is responsible” when one has concerns. The interviewees saw increasing the size of the city council as a mechanism for increasing people’s sense of representation, but not necessarily the only or best method for increasing access to government.

The non-governmental focus on access may be related to a persistent theme among the non-government interviewees that diversity is a source of tension in Los Angeles governance. This diversity was cast in both racial and economic terms, with a strong minority of the non-government group concerned about an increasing wage gap between rich and poor that closely follows racial lines. In the words of one non-government interviewee “diversity increases the risk of Balkanization or cultural conflict. . . .” This interviewee went on to stress there was a tension between neighborhood empowerment and working against Balkanization. Often, concerns about diversity were accompanied by a desire to increase a sense of community, potentially through charter reform.

Not surprisingly, those non-government interviewees who are most closely aligned with neighborhoods did support neighborhood empowerment. They often cast this issue in terms of preserving or improving the quality of the neighborhood environment, in terms of noise, traffic, and air pollution. For this group, neighborhood empowerment meant control over land-use issues. Neighborhood advocates were unhappy with current regulatory mechanisms, arguing that they do not preserve their local environments from inappropriate development. They believed that current land-use decisions did not follow existing code and were too political. Interestingly, interviewees whose
interests were more closely aligned with developers did not support the regulatory mechanisms, for the same reasons: the decisions take too long and were too political.

Another difference between groups was a clear concern among the non-government group about investment in the city infrastructure—something that was not echoed by the government group. The clearest concerns about investment related to improving transportation. Other concerns related to access to water and waste water infrastructure. A relatively large part of the non-government group was very concerned about the ability of the Bureau of Power, in the Department of Water and Power, to compete in an era of deregulation.

Views on Charter Reform

Although there was universal agreement that charter reform is important, there was no agreement as to how important, or why it was important. Many who believed that the regional issues the city faced were most pressing hoped that charter reform would be the beginning of an effort to tackle regional issues. Charter reform was also seen by some as providing an opportunity to begin a constructive dialogue about the community and its future. One respondent cast reform in terms of creating the model for governance in the 21st century as the nation becomes as diverse as Los Angeles. Another theme behind charter reform was the opportunity to improve the efficiency of operations.

While many felt the current odds of charter reform were low, there was little agreement on how to improve those odds. In general, interviewees supported collaboration between the commissions, but very few supported their outright merger. Some advocated competing reforms from each commission as a basis for a debate that would increase public interest and knowledge. Others said such debate makes people believe all the issues are political, and thus increases voter cynicism. Some advocated multiple reforms on one ballot, while others said this format would be confusing. One point of agreement was that conventional opposition to reform by more than one group in the city will doom reform to defeat in the polls.

Conclusion

These interviews provided support for charter reform as a means to improve both the operations and the decisionmaking process. They also suggested that
only a few aspects of city government are “broken.” Concerns about operations were selective and focused in particular on land use and building regulation. Concerns about decisionmaking were broader and focused on representativeness and timeliness. Almost all interviewees stressed that the region faces larger problems—pollution, transportation, and water—and that charter reform, at best, will only tangentially improve the ability of the city to deal with these issues. Finally, many interviewees see Los Angeles as affected by a nationwide mistrust of government, compounded by stresses caused by increasing ethnic and economic diversity. In this light, charter reform was seen as a potential mechanism for Los Angeles to redefine itself.

List of Interviewees

David Abel, ABL
Ezunial Burts, Los Angeles Area Chamber of Commerce
Julie Butcher, Service Employees International Union, Local 347
Joe Cerrell, Cerrell and Associates
Keith Comrie, Los Angeles CAO
Ron Deaton, Los Angeles Chief Legislative Analyst
Ken Dickerson, ARCO
Ed Dilkes, Richards, Watson and Gershon
Jack Driscoll, Los Angeles World Airports
Edmund Edelman, Appointed Charter Reform Commission
David Fleming, Latham and Watkins
Joel Fox, Howard Jarvis Foundation
Dan Garcia, Warner Bros.
James Hahn, Los Angeles City Attorney
Ed Hamilton, Hamilton, Rabinovitz & Alschuler
Tom Hayden, State Senator
Joe Hicks, Multicultural Collaborative
Xandra Kayden, League of Women Voters
Mike Keeley, former Los Angeles Deputy Mayor
Monica Lozano, La Opinion
Tony Lucente, Studio City Residents Association
John Malloy, Los Angeles Community Redevelopment Agency
Bill McCarley, former General Manager, Los Angeles Department of Water and Power
Warren Olney, KCRW, “Which Way LA”
Burt Pines, Alschuler, Grossman & Pines
Jane Pisano, University of Southern California
Diane Plotkin, Westside Civic Federation
Ray Remy, former President Los Angeles Area Chamber of Commerce
Rick Tuttle, Los Angeles City Controller
Appendix E

List of Major Issues and Options

A. Policymaking: Representativeness

- Should the council be expanded and, if so, by how many members?
- Should some councilmembers, e.g., the president of the city council, be elected at large in addition to those elected on a district basis?
- Should the role of city commissions be retained, deleted, or changed?

Introducing Direct Citizen Participation

- What form would such councils take?
- Would their roles be advisory or would they have direct decisionmaking authority?
- How would members be selected for such councils?
- How many councils would be created and how would the areas they cover be identified?

B. Matching Decisionmaking Process to Function

- How can regional cooperation be improved?
- Who should be responsible for representing the city's interests in cooperative regional endeavors?
- How can the residents' identification with the city as a whole be increased?
- Should some members of the city council be elected on an at-large basis to increase the citywide perspective in policymaking?
- Should the city consider some type of borough organization to increase local residents' input on neighborhood issues?
C. Management: Checks and Balances

- Should the mayor have more administrative power and, if so, which powers of the mayor should be increased, e.g., appointments, budgeting, control over department heads?
- Should the council’s primary role be legislative rather than administrative? Should its management oversight powers be reduced?
- What oversight and management responsibilities should the commissions possess?
- Should the city’s fiscal control functions be reorganized?
- Should the city controller be elected or appointed by the mayor subject to council approval?

D. Philosophy of the Charter

- Should the charter contain a statement of goals and principles of operation?
- Should it contain a statement of residents’ rights, i.e., a statement of what the city’s residents should expect from the city?
- Which elements of the city structure, function, and operational procedures belong in the city charter and which should be dealt with in the municipal code and by ordinance?
- If the charter becomes a more general statement of principle, should the function of the city attorney be modified accordingly? In particular, should the city attorney’s role as prosecutor be separated from his/her role as lawyer for the city?

E. Personnel Issues

- Which personnel policies should be a matter for the charter and which for the municipal code or specific ordinances?
- Are civil service and collective bargaining protections redundant?
- Should pensions/retirement be removed from the charter?
- Should the city’s ability to contract out be increased?
- Which city administrative positions should be covered by civil service protections and which should be subject to direct overview by the mayor and city department heads?
F. Proprietary Departments

- Should these departments be run like private businesses and thus given greater autonomy or should they be subject to the same rules and regulations as other departments?
- Should the city take any special actions with regard to these departments, especially the Department of Water and Power, in light of deregulation?

G. Regulatory Functions

- Should the city’s regulatory functions be reorganized?
- How can the regulatory functions be coordinated and streamlined?
- How can the planning and zoning process be simplified?
- What should be done to make the regulatory requirements of the city more transparent to the city’s residents?

H. Neighborhood Service Delivery

- How can a “one size fits all” service delivery strategy be modified while ensuring equity in service delivery?
- How much authority should be delegated to city employees in the provision of services at the local level and how can those employees be held accountable?

I. Other Issues

- Should the timing and structure of municipal elections be changed?
- Should the charter change the structure of the selection of the LAUSD Board of Education?
Appendix F

Summary of Survey Responses

This appendix summarizes the 22 responses received from a survey letter sent to 404 organizations and individuals. Many of the respondents were associations from either the Westside or the San Fernando Valley. The balance of the respondents represented interest groups and businesses. Elected officials, chambers of commerce, civic groups, and ethnic organizations did not respond to the survey. The survey was designed to increase the number and range of views that informed this research. The letter asked for input on the challenges faced by the region, the role the city plays in dealing with these challenges, whether and how the city’s governmental structure should be reorganized, and what guiding principles should be reflected in the charter. The low response rate and the selectivity of the respondents severely limits the generalizability of those findings beyond the respondents themselves.

There was a diversity of responses and reactions to our questions. The reaction to the letter ran from suspicious “this survey is political in nature . . . and not an unbiased research project . . .” to supportive “We are happy to participate in this survey because we believe the RAND imprimatur means serious consideration by decision makers . . . .” The majority of respondents believed a major source of the city’s problems is its increasing and changing population. In general, the appropriate role of city government was viewed as maintaining and improving the quality of life for citizens, most often through control of development. There was a clear split among respondents on the issue of neighborhood councils, even among homeowners associations. Suggestions that were more universally supported involved the use of common service areas by all city departments, increasing the size of the city council, and a stronger mayor. The overarching aim of change was to use city administrative structures to strengthen communities within the city. The principle with the clearest support was increasing responsiveness to citizens.

Problems facing the city. When discussing the problems faced by Los Angeles, the responses fell into two groups: those who saw changing population as the source of problems, and those who focused on more specific problems. A large majority of respondents saw population growth as
the biggest problem facing the region and the city. Many respondents were also concerned about the increasing gulf between rich and poor residents. All of the respondents who focused on population issues believed that creating the transportation and education infrastructure to deal with increasing population density is a daunting challenge. Many were concerned about air and water pollution threats from population growth as well as the adequacy of the city’s housing stock. Finally, some were concerned about the effects of welfare reform on the city’s population.

Those who focused on specific concerns usually mentioned the responsiveness of government to neighborhoods. Other specific concerns were taxes and city administration.

**Role of the city.** There were two streams of thought about how the city needs to deal with problems related to population change: regional efforts and local efforts. The minority who focused on regional efforts began with the premise that most of the problems facing the city transcend city boundaries. These respondents described management of regional transportation and pollution problems as an important role for the city. The majority, however, focused on local efforts to increase the ability of neighborhoods to maintain their quality of life through control of development. Reducing crime was another clear objective, but none of the respondents had clear recommendations for improving the city’s ability to fulfill this role.

**City reorganization.** How the city should be reorganized posed a problem for many respondents because, in the words of one, “there exists quite some confusion about the way the city currently functions.” Given this confusion, there was a diversity of proposed reorganizations. However, the various and sometimes competing suggestions focused on using city administrative structures to increase the sense and strength of local communities. The most frequently cited suggestions were creating common administrative service areas for all city departments, increasing the size of the city council, and increasing the power of the mayor.

The arguments for common service areas were often part of an argument for localization of control over city services through neighborhood councils or concurrence between city service areas and city council districts. Interestingly, the issue of neighborhood councils received very mixed support from the respondents. Several homeowners associations did not support them. One stated “the issue of community councils is very complex and not nearly as easy to accomplish as some . . . seem to think,” while another
simply said, "We do not believe neighborhood councils are a good idea." On the other side, some respondents gave detailed descriptions of how to form "a council of local elected people's representatives . . ." or how to create "committees made up of government officials, neighborhood leaders, and business leaders with equal enforcement power and decision making."

Increasing the size of the city council was a repeated theme. Most supporters of a larger city council believed that it would increase the representativeness of city government. There were no calls for ending the use of citizen commissions, and several respondents argued in support of them. Some of this support was tempered, however, with a concern that commissioners should better reflect the concerns of the city's residents.

Another repeated suggestion was to increase the power of the mayor. This was frequently part of an argument for reducing the administrative role of the city council and increasing the separation of powers. Most supporters of increased mayoral power also believed it would increase officials' accountability to the people. A significant minority of respondents suggested the creation of an ombudsman to help citizens solve problems. Strong arguments were made for simplifying the charter and increasing the flexibility of city administration. There were several calls for finishing the tax equity study and implementing its findings. Additionally, election finance reform was advocated by several respondents.

**Principles.** Many found questions about principles perplexing, or so obvious that they did not need to be discussed. It was clear that responsiveness to local concerns was the key principle that most respondents agreed upon. This concern was voiced by supporters and detractors of neighborhood councils. Often it was part of an argument for increasing the sense of community within regions or areas within the city. Accountability was an oft-repeated principle. Some saw tensions between principles, especially between efficiency and participation. Respondents clearly did not support loss of citizen input to policymaking in the name of efficiency.

**Conclusion.** Only one respondent mentioned an interest in secession. Instead, there seemed to be agreement that some issues, like pollution and transportation, were not local and thus needed to be resolved in a regional context. The theme of increasing responsiveness to citizens appeared to come from dissatisfaction with the process of decisionmaking with regards to neighborhood. The challenge for many respondents was molding the city government to meet regional concerns while at the same time enhancing the participation of local residents in decisions with neighborhood impact. Many
believed that if the city could successfully meet these challenges, it would strengthen the communities the respondents lived and worked in.

List of Responding Organizations

1. Angeles Chapter of the Sierra Club
2. Brentwood Hills Homeowners Association
3. Brentwood Homeowners Association
4. Burton Way Homeowners Association
5. California Citizens Budget Commission
6. Castle Heights Neighborhood Association
7. Encino Property Owners Association
8. Los Angeles Economic Development Corporation
9. Management Employees Association
10. Marquez Knolls Property Owners Association
11. Melrose Action Committee
12. North Beverly-Franklin Canyon Drives Homeowners Association
13. Pacific Palisades Community Council
14. Pacific Palisades Residents Association
15. Palisades Village Green Committee
16. Santa Susana Mountain Park Association
17. South Brentwood Homeowners Association
18. TERA, The Eagle Rock Association
19. Valley Community Clinic
20. Valley Village Homeowners Association
21. Wellpoint Health Networks
22. Wilmington North Neighborhood Association
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