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July 28, 2020

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Agenda No. 51-C
07/21/20

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

**Re: The Los Angeles County Charter Amendment Ordinance;
Resolution Consolidating Elections; and Report Regarding
Processes and Procedures for the Placement of a County
Charter Amendment on the November 2020 General Election
Ballot**

Dear Supervisors:

On July 21, 2020, your Board directed our office, in consultation with the Chief Executive Office, to prepare the necessary documents, including an ordinance, for a special election to vote on an amendment to the Charter of the County of Los Angeles ("Charter") on the November 3, 2020 General Election. Enclosed are those documents as well as our report on the processes and procedures associated with placing the Charter amendment on the November 3, 2020, General Election ballot.

Enclosed as Exhibit A is the Charter Amendment Ordinance ("Ordinance"), which annually allocates no less than 10 percent of the County's locally generated unrestricted revenues in the general fund for direct community investment and alternatives to incarceration and prohibits using earmarked funds for carceral systems and law enforcement agencies, to be phased in by June 30, 2024. Enclosed as Exhibit B is the Resolution calling for and giving notice of a special election and consolidating the special election with the general election on November 3, 2020 ("Resolution").

The Charter amendment contained in the Ordinance, if approved by the voters, will add Subsection 8 to Article III Section 11 of the Charter. Subsection 8, of the proposed Charter amendment, does the following:

1. Sets aside a baseline minimum threshold of at least 10 percent of the County's locally generated unrestricted revenues in the general fund. The set-aside is to be annually allocated for direct community investment and alternatives to incarceration.
2. Prohibits the use of the set-aside for any carceral system or law enforcement agencies, including the Los Angeles County Sheriff's Department, Los Angeles County District Attorney's Office, Los Angeles County Superior Courts, or Los Angeles County Probation Department, including any redistribution of funds through those entities. This restriction does not extend to State law requiring the County to fund court facilities and expenditures, including, but not limited to, the Trial Court Facilities Act of 2002 (2002 Senate Bill No. 1732) and Lockyer-Isenberg Trial Court Funding Act of 1997 (1997 Assembly Bill No. 233), other mandatory fines and fees, or any other County commitments to the extent required by law.
3. Phases in the set-aside over a three-year period with the full set-aside implemented by June 30, 2024.
4. Prevents the set-aside from supplanting the monies otherwise allocated to the set-aside categories in the County budget.
5. Requires the Board to establish an inclusive and transparent process on the allocation of funds set aside.
6. Allows the Board, by a four-fifths vote, to reduce the set-aside in the event of a fiscal emergency that threatens the County's ability to fund mandated programs.

Process for Placing the County Charter Amendment on the Ballot

To place this Charter amendment measure on the November 3, 2020 ballot, the Board must approve both the Ordinance and the Resolution.

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

Last regularly scheduled Board meeting to adopt ordinance or resolution to submit measure to the voters	August 4, 2020 Election Day minus 85 days ("E-85")
Last day for Executive Officer to deliver adopted ordinance/resolution calling for special election to Registrar-Recorder/County Clerk ("Registrar")	August 7, 2020 E-88
Last day for County Counsel to submit impartial analysis of the ballot measure to the Registrar	August 14, 2020 E-81
Submit arguments for or against a measure	August 14, 2020 E-81
Public examination period of all ballot materials	August 15, 2020 – August 24, 2020 E-80 – E-71
Submit rebuttal arguments for or against a measure	August 24, 2020
Mailing of ballots to military and overseas voters	September 4, 2020 – September 19, 2020 E-60 – E-39
Mailing of Sample Ballots	September 24 – October 13, 2020 E-40 – E-21
Registrar must begin mailing Vote by Mail ballots	October 5, 2020 E-29
Election Day	November 3, 2020

The Honorable Board of Supervisors
July 28, 2020
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The Ordinance and Resolution will take immediate effect upon their approval by a majority vote of your Board.

Very truly yours,

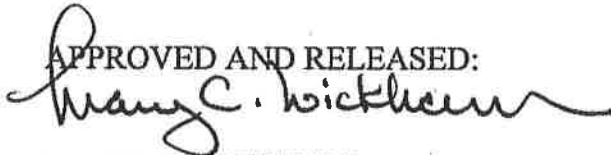
MARY C. WICKHAM
County Counsel

By



NICOLE DAVIS TINKHAM
Senior Assistant County Counsel
Executive Office

APPROVED AND RELEASED:



MARY C. WICKHAM
County Counsel

NTD:vn
Enclosures

EXHIBIT A

ANALYSIS

This ordinance would call a special election to be held on November 3, 2020, for the purpose of voting upon an amendment to the Charter of the County of Los Angeles that would annually allocate in the County's budget no less than ten percent of the County's locally generated unrestricted revenues in the general fund to address the disproportionate impact of racial injustice through community investment and alternatives to incarceration and prohibit using those funds for carceral systems and law enforcement agencies as detailed in the ordinance adopting the proposed charter amendment, to be phased in by June 30, 2024.

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

MARY C. WICKHAM
County Counsel

By:



NICOLE DAVIS TINKHAM
Senior Assistant County Counsel
Executive Office

NDT:vn

Requested: 7/20/20
Revised: 7/24/20

ORDINANCE NO. _____

An ordinance calling a special election to be held on November 3, 2020, throughout the County of Los Angeles for the purpose of voting upon an amendment to the Los Angeles County Charter and directing the consolidation of the election with the statewide general election to be held on the same day.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Call of Election and Purpose. A special election is hereby called, proclaimed and ordered to be held on November 3, 2020, for the purpose of voting upon a proposed amendment to the Charter of the County of Los Angeles.

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

PROPOSED COUNTY CHARTER AMENDMENT. COMMUNITY INVESTMENT AND ALTERNATIVES TO INCARCERATION MINIMUM COUNTY BUDGET ALLOCATION. Shall the measure, annually allocating in the County's budget no less than ten percent (10%) of the County's locally generated unrestricted revenues in the general fund to address the disproportionate impact of racial injustice through community investment and alternatives to incarceration and prohibiting using those funds for carceral systems and law enforcement agencies as detailed in the ordinance adopting the proposed charter amendment, be adopted?	YES
	NO

PROPOSITION _____

This Proposition (XXXXX) shall become effective only if it is submitted to the voters at the election held on November 3, 2020 and is approved. The Charter amendment shall become operative on July 1, 2021.

First: Section 11 of Article III of the Charter of the County of Los Angeles is amended to read:

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

(1) To appoint all County officers other than elective officers, and all officers, assistants, deputies, clerks, attaches [14] and employees whose appointment is not provided for by this Charter. [15]

...

(8) To allocate, in compliance with all laws and regulations, the County's locally generated unrestricted revenues in the general fund as follows:

A. Set aside a baseline minimum threshold of at least ten percent (10%) of the County's locally generated unrestricted revenues in the general fund (Net County Cost), as determined annually in the budget process or as otherwise set forth in the County Code or regulations, to be allocated on an annual basis, after input from, among others, the public and County departments at a public hearing, for the following primary purposes:

i. Direct Community Investment.

1. Community-based youth development programs.

2. Job training and jobs to low-income residents focusing on jobs that support the implementation of the "Alternatives to Incarceration" workgroup recommendations as presented to the County Board of Supervisors on March 10, 2020, especially construction jobs for the expansion of affordable and supportive housing, restorative care villages, and a decentralized system of care.

3. Access to capital for small minority-owned businesses, with a focus on Black-owned businesses.

4. Rent assistance, housing vouchers and accompanying supportive services to those at-risk of losing their housing, or without stable housing.

5. Capital funding for transitional housing, affordable housing, supportive housing, and restorative care villages with priority for shovel-ready projects.

ii. Alternatives to Incarceration.

1. Community-based restorative justice programs.

2. Pre-trial non-custody services and treatment.

3. Community-based health services, health promotion, counseling, wellness and prevention programs, and mental health and substance use disorder services.

4. Non-custodial diversion and reentry programs, including housing and services.

B. The set aside shall not be used for any carceral system or law enforcement agencies, including the Los Angeles County Sheriff's Department, Los Angeles County District Attorney's Office, Los Angeles County Superior Courts, or

Los Angeles County Probation Department, including any redistribution of funds through those entities. This restriction does not extend to State law requiring the County to fund court facilities and expenditures, including, but not limited to, the Trial Court Facilities Act of 2002 (2002 Senate Bill No. 1732) and Lockyer-Isenberg Trial Court Funding Act of 1997 (1997 Assembly Bill No. 233), other mandatory fines and fees, or any other County commitments to the extent required by law.

C. The unrestricted revenues that are set aside shall phase in over a three-year period, beginning July 1, 2021, and incrementally grow to the full set-aside by June 30, 2024, pursuant to the procedures codified in the County Budget Act in the Government Code.

D. The set aside cannot supplant monies otherwise allocated for the same categories listed in Subsection (8)(A), as defined and set forth in the County Code or regulations.

E. The Board of Supervisors shall establish an inclusive and transparent process on the allocation of funds set aside by this Subsection (8).

F. Notwithstanding this Subsection (8), the Board of Supervisors may, by a four-fifths vote, reduce the set-aside in the event of a fiscal emergency, as declared by the Board of Supervisors, that threatens the County's ability to fund mandated programs.

Second: In the event that the amendment to the Charter of Los Angeles County contained in this Proposition is rendered inoperative because of the actions of any

court, legislative or other body, or for any other reason, the provisions of the County Charter in effect on November 3, 2020, shall remain in full force and effect.

Third: If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this Proposition is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or words of this amendment to Section 11 of Article III of the Charter. The voters of the County of Los Angeles declare that they would have independently adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this Proposition irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or words of this amendment to Section 11 of Article III is declared invalid or unenforceable.

SECTION 3. Consolidation. The special election shall be consolidated with the statewide general election to be held on Tuesday, November 3, 2020. The Proposition shall be placed upon the same ballot as that provided for the general election. The precincts, polling places, or vote centers, and precinct board members shall be the same as provided for the statewide general election.

SECTION 4. Proclamation. Pursuant to section 12001 of the Elections Code, the Board of Supervisors of the County of Los Angeles hereby PROCLAIMS that a special countywide election shall be held on Tuesday, November 3, 2020, to vote upon the Charter Amendment described in Section 2 of this Ordinance.

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

SECTION 6. Authority. This Ordinance is adopted pursuant to sections 23720, 23730, and 23731 of the Government Code, and sections 9141, 10402, 10403, and 12001 of the Elections Code.

SECTION 7. Publication. This Ordinance shall be published once before the expiration of 15 days after its passage in a daily newspaper of general circulation, printed, published and circulated in the County of Los Angeles pursuant to Government Code section 25124.

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

[ARTICLE III GECC]

EXHIBIT B

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES CALLING FOR AND GIVING NOTICE OF A SPECIAL ELECTION TO AMEND THE CHARTER OF THE COUNTY OF LOS ANGELES TO ANNUALLY ALLOCATE IN THE COUNTY'S BUDGET NO LESS THAN TEN PERCENT OF THE COUNTY'S LOCALLY GENERATED UNRESTRICTED REVENUES IN THE GENERAL FUND TO ADDRESS THE DISPROPORTIONATE IMPACT OF RACIAL INJUSTICE THROUGH COMMUNITY INVESTMENT AND ALTERNATIVES TO INCARCERATION AND PROHIBIT USING THOSE FUNDS FOR CARCERAL SYSTEMS AND LAW ENFORCEMENT AGENCIES AND CONSOLIDATING THE SPECIAL ELECTION WITH OTHER ELECTIONS TO BE HELD WITHIN THE COUNTY ON NOVEMBER 3, 2020

WHEREAS, the topic of systemic discrimination, exclusion, and inequity has been the subject of discussions at the nationwide, state, and local level, and the Board has supported efforts and policies to address racial inequity and create economic opportunity and housing stability for marginalized communities in the County; and

WHEREAS, the Board acknowledges there have been calls from community advocates within the County to have the County's budget reflect the concerns of racial inequity and provide economic opportunity and housing stability for marginalized communities, while reducing the County's annual budget for carceral systems and law enforcement agencies; and

WHEREAS, the Board is required and deems it necessary and essential to submit to qualified voters in the County, the question of a charter amendment to ratify annually allocating in the County's budget no less than ten percent of the County's locally generated unrestricted revenues in the general fund to address the disproportionate impact of racial injustice through community investment and alternatives to incarceration and prohibit using those funds for carceral systems and law enforcement agencies, to be phased in by June 30, 2024, at a special election to be held on November 3, 2020, and to consolidate such election with other elections to be held on that date;

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

- 1. Call of the Election and Purpose.** A special election shall be held and the same is hereby called and ordered to be held in the County on the 3rd day of November 2020, for the purpose of submitting to the voters of the County by ordinance the question of shall the County annually allocate in the County's budget no less than ten percent of the County's locally generated unrestricted revenues in the general fund to address the disproportionate impact of racial injustice through community investment and alternatives to incarceration and prohibit using those funds for carceral systems and law enforcement agencies as contained in the attached Ordinance, Exhibit A.

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

**COMMUNITY INVESTMENT AND ALTERNATIVES TO INCARCERATION MINIMUM
COUNTY BUDGET ALLOCATION.**

Shall the measure, annually allocating in the County's budget no less than ten percent (10%) of the County's locally generated unrestricted revenues in the general fund to address the disproportionate impact of racial injustice through community investment and alternatives to incarceration and prohibiting using those funds for carceral systems and law enforcement agencies as detailed in the ordinance adopting the proposed charter amendment, be adopted?

YES ___ NO ___

3. **Ordinance.** The attached ordinance, Exhibit A, calling for the election to amend the County Charter to annually allocate in the County's budget no less than ten percent of the County's locally generated unrestricted revenues in the general fund to address the disproportionate impact of racial injustice through community investment and alternatives to incarceration and prohibit using those funds for carceral systems and law enforcement agencies as detailed in the ordinance adopting the proposed charter amendment as specifically set forth in the Ordinance, is incorporated herein by reference ("Ordinance").
4. **Proclamation.** Pursuant to section 12001 of the Elections Code, the Board hereby PROCLAIMS that a special Countywide election shall be held in the District on Tuesday, November 3, 2020, to vote upon the Charter Amendment described in the proposed Ordinance.
5. **Consolidation.** The special election called by this resolution shall be consolidated with the other elections conducted by the Registrar-Recorder/County Clerk to be held in the County of Los Angeles on November 3, 2020, and the measure shall be placed on the same ballot as that provided for the general election. The precincts, polling places and vote centers, precinct board members, and facilities shall be the same as provided for the statewide general election.
6. **Election Procedure.** All qualified voters residing in the County shall be permitted to vote in the election and in all particulars not recited in this resolution, the elections shall be held as nearly as practicable in conformity with the Elections Code of the State of California. The votes cast for and against the measure shall be separately counted and if the measure receives a majority of the votes cast by the qualified electors voting on the measure, the Ordinance amending the County Charter shall be effective upon adoption thereof pursuant to section 9141 of the Elections Code and section 25123 of the Government Code.

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

The foregoing resolution was on the ____ day of July 2020, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

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

By: _____

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By: _____
Deputy

