

## City of Los Angeles Ballot Measures – May 17, 2005

On May 17 Los Angeles voters will choose whether or not to adopt two charter amendments. Both were placed on the ballot by the city council, and both require a simple majority for passage. The first, Charter Amendment A, would permit the council and/or mayor to reorganize law enforcement at airport facilities. Its passage would allow, but not require, the transfer of airport police functions to the Los Angeles Police Department. The second, Charter Amendment B, would remove the requirement in recall elections that a voter must first vote for or against the recall, or his choice of a possible replacement would be void and could not be counted.

**Charter Amendment A.** .: The City Charter allows the mayor and council to transfer duties and powers from one department or agency to another. However certain departments are exempt from such transfers. Among the listed exemptions are proprietary departments, and the Department of Airports is a proprietary department. Therefore, at present, the mayor and council cannot transfer any authority of the Department of Airports to any other department. (Note: Proprietary departments are those that generate their own funds, and manage their own assets and revenues.)

***Security, law enforcement and Airport Police.*** Several entities contribute to security and law enforcement at airport facilities. Federal law is a factor in airport operations, and federal authorities must approve any security plan. The Airport Police agency was created to be responsible for law enforcement at the city's airports. It is required by the charter to remain under the Airports Department's independent and autonomous control. Functions that cannot be provided by the Airport Police are contracted out. The FBI and the National Transportation Security Agency have duties, and the Los Angeles Police Department maintains a substation at LAX, with approximately 56 officers. This complex situation has led to some concern about confusion and coordination of safety and security functions.

*Changes contained in Charter Amendment A.* This amendment would permit security and law enforcement powers to be transferred away from the Department of Airports by action of the mayor and the council. The transfer need not be permanent, since the amendment would permit the return of those transferred powers. The section of the charter titled *Airport Police* would become *Airport security and Law Enforcement*. The requirement that the airport police remain under the sole control of the Department of Airports would be deleted.

This amendment does not require any transfers of security duties or powers. If, however, changes are made, a clear agreement would be required spelling out how the Dept of Airports would pay the newly designated agency for its services, and how the two entities would work together.

*Support, opposition, and arguments.* Some of the questions arising out of the sometimes confusing situation include: what is the best model for policing an airport, who is in charge, and what changes would be both effective and efficient.

This measure has already sparked heated disagreements among various city officials. The main point of conflict is whether law enforcement at the airports should become the responsibility of the LAPD, or should continue to be the responsibility of an independent Airport Police agency. The present and former chiefs of police (Bratton and

Parks) strongly support the measure, believing that a unified command of law enforcement functions is needed: one city, one police force. Supporters also believe that there is confusion now about who is in charge; they say that this amendment would allow clear lines of authority to be developed. Supporters reject a “hybrid’ model of safety functions.

Opponents claim that expertise in the needs of a large airport is essential and cannot be provided by the LAPD. They also object to giving additional power over the airports to distant elected officials (“politicians”). Opponents include members of the airport police and some officials of the airports.

On April 6, the Los Angeles Times reported on a hearing about a study commissioned by the Department of Airports. The study, which recommended against merging the police duties at the airport, was attacked by city officials as incomplete and based on inaccuracies. The article makes it clear that the two sides are far apart in their viewpoints on an issue that has become emotional.

**Charter Amendment B.** The City charter provides for the recall of elected officials before their term has been completed. A recall ballot presents two questions: should the incumbent be recalled, and which candidate should replace him. The charter now provides that a voter must cast a vote for or against the recall, or the vote on a replacement cannot be counted.

The state election code had a similar provision, which was successfully challenged in court. A federal court held that a vote for a replacement candidate must be counted, even if the ballot did not contain a vote for or against the recall. It is considered likely that a challenge to the charter provision would also be successful.

*Changes contained in Charter Amendment B.* The proposed amendment would change the charter to eliminate the link between the two questions on a recall election ballot. A voter would have his choice for a replacement candidate counted, even if he remained silent on the issue of recalling the incumbent.

*Support and Opposition.* The main argument in favor of this change is that it would make city law conform to state law in an area that has been tested in court. At present, there does not appear to be formal opposition to the change.

Iris Kaphan