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Your Community Impact Statement Submittal - Council File Number: 23-1027

LA City SNow <cityoflaprod@service-now.com>
 Reply-To: LA City SNow <cityoflaprod@service-now.com>
 To: Clerk.CIS@lacity.org, commission@empowerla.org

Fri, Apr 19, 2024 at 9:01 PM

A Neighborhood Council Community Impact Statement (CIS) has been successfully submitted to your Commission or City Council. We provided information below about CISs and attached a copy of the CIS.

We encourage you to reach out to the Community Impact Statement Filer to acknowledge receipt and if this Community Impact Statement will be scheduled at a future meeting. Neighborhood Council board members are volunteers and it would be helpful if they received confirmation that you received their CIS.

The CIS process was enabled by the to Los Angeles Administrative Code §Section 22.819. It provides that, "a Neighborhood Council may take a formal position on a matter by way of a Community Impact Statement (CIS) or written resolution." NCs representatives also testify before City Boards and Commissions on the item related to their CIS. If the Neighborhood Council chooses to do so, the Neighborhood Council representative must provide the Commission with a copy of the CIS or rResolution sufficiently in advance for review, possible inclusion on the agenda, and posting on the Commission's website. Any information you can provide related to your agenda setting schedule is helpful to share with the NC.

If the CIS or resolution pertains to a matter *listed on the Commission's agenda*, during the time the matter is heard, the designated Neighborhood Council representative should be given an opportunity to present the Neighborhood Council's formal position. We encourage becoming familiar with the City Council's rules on the subject. At the Chair's discretion, the Neighborhood Council representative may be asked to have a seat at the table (or equivalent for a virtual meeting) typically reserved for City staff and may provide the Neighborhood Council representative more time than allotted to members of the general public. They are also permitted up to five (5) minutes of time to address the legislative body. If the CIS or resolution pertains to a matter *not listed on the agenda*, the designated Neighborhood Council representative may speak during General Public Comments.

We share this information to assist you with the docketing neighborhood council items before your board/commission. If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at empowerla@lacity.org.

***** This is an automated response, please DO NOT reply to this email. *****

Contact Information

Neighborhood Council: Palms

Name: Kay Hartman

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The Board approved this CIS by a vote of: Yea(9) Nay(0) Abstain(3) Ineligible(0) Recusal(0)

Date of NC Board Action: 04/03/2024

Type of NC Board Action: Against Unless Amended

Impact Information

Date: 04/20/2024

Update to a Previous Input: No

Directed To: City Council and Committees, Board of Neighborhood Commissioners

Council File Number: 23-1027

City Planning Number:

Agenda Date:

Item Number:

Summary: In this CIS, the Palms Neighborhood Council addresses the Charter reform process, Neighborhood Councils, and proposed Charter changes for the Ethics Commission.

Ref:MSG10207886



Oppose unless amended 23-1027 clean.pdf
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Council File: 23-1027

To: City Council and Committees; BONC; Ethics Commission

Oppose unless amended

In this CIS, the Palms Neighborhood Council addresses the Charter reform process, Neighborhood Councils, and proposed Charter changes for the Ethics Commission.

CHARTER REFORM PROCESS

The Charter Commission must be given the authority to place a measure directly on the ballot. This authority was a driving force behind the Charter reforms advanced to the ballot in 1999. The City of Portland's Charter Review Commission is empowered to place measures directly on the ballot if they are passed with the support of 3/4 commissioners and Los Angeles stakeholders should expect no less. In both Los Angeles and Portland, this power forced legislative bodies to negotiate in good faith and allowed commissions to work with them collaboratively to advance meaningful reforms. We applaud Councilmember Raman for moving to get more information on this issue, and look forward to seeing further discussion on the matter.

The Charter Commission must represent the interests and diversity of all Los Angeles residents; not just elected officials and insiders. At least half of the commission should be picked in a manner similar to the proposed Independent Redistricting Commission. No single elected official should be allowed to appoint more than two individuals to the Charter Commission. Limits need to be placed on removal of commissioners to ensure their independence.

NEIGHBORHOOD COUNCILS AND THE DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

Empower the Neighborhood Councils to be heard at City Council and its committees. Right now, a board member presenting a CIS passed by the Neighborhood Council must wait in the queue with other public commenters and receive the minute allotted to public comment. Neighborhood Council board members are elected to represent thousands of stakeholders. By denying an NC more than a minute to present a CIS, the voices of those stakeholders are thwarted. Neighborhood Councils should have the opportunity to present their CISs at both the City Council and the Committees without being constrained to Committee presentations only. Neighborhood Councils (and the rest of the public for that matter) must be able to address the City Council and its committees in person and telephonically. Limiting commentary to in person only restricts the working public including Neighborhood Council members of the ability present during working hours.

Give BONC oversight responsibility for DONE. If it doesn't have oversight responsibility, what is its purpose? It creates policy for Neighborhood Councils. Why is a commission needed for this? Assuming BONC is retained, allow Neighborhood Councils to elect at least 2 at-large members to the Board of Neighborhood Commissioners. Appointing members to the City's commissions is an important power belonging the Mayor and the Palms Neighborhood Council does not recommend interfering with it. We propose this as an enhancement. Neighborhood Councils have no voice in the Department and Commission and we are required to live with their consequences. This is analogous to taxation without representation.

Alliances were not envisioned at the time the Neighborhood Councils were defined in the 1999 Charter reform. It is undeniable that alliances are an important part of the Neighborhood Council system. It is

time they are recognized by the Charter including definition of how they can be funded, either directly from the City or via Neighborhood Council contribution. Consider a process for how an alliance can be certified and decertified so DONE cannot show favoritism. Alliances are in the Plan. It is time to recognize them in the Charter.

Move financial responsibility for Neighborhood Council elections from Neighborhood Councils to DONE and/or the City Clerk. It is a conflict of interest for Neighborhood Councils to be responsible for the elections that challenge their seats. Also, Neighborhood Councils' budgets have shrunk to such an extent that there isn't money for both the election and supporting our constituents.

A City Attorney decision limits Neighborhood Councils to discussions with City elected officials and departments only. Neighborhood Councils are restricted from talking to the County and the State. This means we are not even supposed to communicate with METRO on behalf of our stakeholders. Each City Councilmember represents large swaths of the City. Even with more City Councilmembers, there is no way to bring the voices of our communities to those outside the City. Neighborhood Councils should not be able to represent the City, but we should definitely be empowered to represent our neighborhoods.

Enshrine Neighborhood Councils right to weigh in on the actions and potential actions for all City Departments and all City officials. Recent advice from the City Attorney's office has specifically denied our charter mandated role in monitoring City services by claiming we cannot make recommendations to the City Attorney's office.

Require that all Neighborhood Council board members are elected by the public at the start of each term while allowing Neighborhood Councils the ability to select members to fill vacancies that occur during the term and to fill unoccupied seats that result from no qualified stakeholder running for one or more positions. Neighborhood Councils need to be elected to have democratic legitimacy.

The DONE report on this Council File says, "Clarify and strengthen the language around the purpose of empowerment." The Palms Neighborhood Council does not agree the purpose needs clarification although it does not hurt. A better or additional approach is to define empowerment to provide guidance to DONE. DONE in recent years has behaved as an enforcement organization and not an empowerment organization. The direction appears to be dependent on the General Manager and possibly the Mayor. An apt analogy is for DONE to be to the Neighborhood Councils what the Chief Legislative Analyst is to the City Council. Charter support for true empowerment would be a welcome relief.

The Department, in its report, recommends strengthening "the role of Neighborhood Councils in monitoring city services." The Palms Neighborhood Council agrees. When one of our constituents has a service request, it would be a huge help if we had a way to see its status. The Departments won't talk to us. We can call the Council Office and have them make the call, but this is not efficient and is definitely not empowering. This may not be what DONE had in mind, but it is what the Palms NC would like to see.

DONE requests an exploration into "the feasibility of establishing an independent budgeting process." The Palms Neighborhood Council disagrees with this. The more Departments that have "an independent budgeting process," the less flexibility the Mayor and City Council have to shape where the City spends its money. It is a poor way to budget. It makes sense for the Ethics Department because the Mayor and City Council should not have the ability to starve its watchdog. There is no similar impediment for the Department.

Ethics Commission Recommendations

As previously submitted under Council File 22-1232, the Palms Neighborhood Council supports the recommended changes to the charter if amended. Our city's Ethics Commission was a model for the nation when it was created over three decades ago and an update is long overdue. We urge the City to do the work necessary to finalize a proposal for a future ballot. This work is necessary to address trust in government that continues to erode as more and more scandals come to light. It deserves a full and fair hearing in committee with robust discussion.

The Ethics Commission recommendations in this Council File reflect empowerment of the body to enforce the law, meaningfully change policy, and change the power dynamics at City Hall. However, they fail to enhance the independence of the Commission. Independence is required to prevent elected officials Commissioners and meddling with the enforcement actions and policy proposals they carry out. The City of Los Angeles will not have a truly independent Ethics Commission until it ends the involvement of elected officials in the appointment process. The incumbent commissioners should be responsible for accepting and vetting applications through a public process like the Oakland and Long Beach Ethics Commissions have.

The Commission proposes adding restrictions excluding any bidder, contractor, developer, or someone with a direct financial interest in work of the City from service on the Commission. These restrictions are warranted, but incomplete. We also recommend excluding anyone who is a recent candidate for a City of Los Angeles elected position, former elected officials in the City, and anyone who has donated or raised money above a certain threshold for local candidates.

The Commission recommends increasing the number of elected officials who may initiate removal and reducing the threshold to a majority vote. We recommend requiring a 2/3 vote for all removal proceedings of Ethics Commissioners.

The Commission recommends increasing the maximum administrative penalty to \$10,000 per violation. We recommend adopting Chicago's maximum penalty of \$20,000 per violation. In addition, the Ethics Commission should have the ability to recoup the costs of its investigations. The monetary tools available to the Commission are insufficient relative to the unspeakable harm to institutional trust and remained pinned to recommendations from the 1990s.

The commission recommends their budget be set at \$4.5 million and tied to the Consumer Price Index. While this would protect against retaliation or defunding during a financial crunch, this essentially freezes the status quo into the charter. \$4.5 million is a few hundred thousand dollars above the Commission's current budget. The recommendations include new expenditures, like outside counsel, which will require more money. If the City Council is expanded, the Ethics Commission will require more money. A minimum budget in the range of \$7 to 10 million would give the Commission the resources needed to fulfill its broad sweeping mandate.