



CITY OF
LOS ANGELES
CALIFORNIA



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WEST HILLS NEIGHBORHOOD COUNCIL

REVISED JOINT BOARD AND GOVERNMENT RELATIONS COMMITTEE ONLINE AND TELEPHONIC MEETING AGENDA MONDAY, FEBRUARY 13, 2023 @ 7:30 P.M.

In conformity with the September 16, 2021 enactment of California Assembly Bill 361 (Rivas) and due to concerns over Covid-19, the West Hills Neighborhood Council meeting will be conducted entirely with a call-in option or internet based service option. All are invited to attend and participate.

This meeting of the West Hills Neighborhood Council Government Relations Committee will be conducted online via Zoom Webinar and telephonically. All are invited to attend and participate.

To attend online via Zoom Webinar, click or paste the following link into your browser: <http://zoom.us/j/97175160378>

To call in by phone, dial (669) 900-6833, then punch in this Webinar code when prompted: **971 7516 0378**.

This meeting is open to the public. Comments on matters not on the agenda will be heard during the Public Comment period. Those who wish to speak on an agenda item will be heard when the item is considered.

AB 361 Updates: Public comment cannot be required to be submitted in advance of the meeting; only real-time public comment is required. If there are any broadcasting interruptions that prevent the public from observing or hearing the meeting, the meeting must be recessed or adjourned. If members of the public are unable to provide public comment or be heard due to issues within the Neighborhood Council's control, the meeting must be recessed or adjourned.

1. Call to Order and Introduction

Co-Chairs: Joanne Yvanek-Garb and Clarice Chavira

Members: Aida Abkarians / Faye Barta / Clarice Chavira /
Saif Mogri / Mark Neudorff / Steve Randall /
Mryl Schreiber / Joan Trent /
Brad Vanderhoof – Secretary / Joanne Yvanek-Garb

2. Establish a Quorum

3. Review and approval of January 23, 2023 Minutes

4. Comments from the Co-Chairs

5. Public Comment

6. OLD BUSINESS

- A. Discussion and Possible Action on submitting a Community Impact Statement on **Council File 22-1285**, Rules of the City Council / Censured Councilmember / Charter Amendment
- B. Discussion and Possible Action on renewing WHNC participation in the Department of Water and Power Memorandum of Understanding – DWP MOU - Update

7. NEW BUSINESS

- A. Discussion and possible action State Senator Portantino’s bill SB411 amending the Brown Act and relationship to CF 23-0002 S16 and CF 23-0002 S17

Public input at Neighborhood Council meetings: When prompted by the presiding officer, members of the public may address the committee on any agenda item before the committee takes an action on the item by punching in *9 (if calling in by phone) or by clicking on the “raise hand” button (if participating online through Zoom) and waiting to be recognized. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on matters not appearing on the agenda that are within the committee’s jurisdiction will be heard during the General Public Comment period. Please note that under the Ralph M. Brown Act, the committee is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future committee meeting. Public comment is limited to 2 minutes per speaker, unless adjusted by the presiding officer of said committee.

Notice to Paid Representatives: If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code Section 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.

Public Posting of Agendas: WHNC agendas are posted for public review at Shadow Ranch Park, 22633 Vanowen St., West Hills, CA 91307 or at our website, www.westhillsnc.org. You can also receive our agendas via email by subscribing to the City of Los Angeles Early Notification System at www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index

The Americans With Disabilities Act: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices and other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three business days (72 hours) prior to the meeting you wish to attend by contacting via email NCSupport@lacity.org or calling (213) 978-1551. If you are hearing impaired please call 711.

Public Access of Records: In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at the meeting where such writing was considered or by contacting the WHNC’s executive director via email at michelle.ritchie@westhillsnc.org. Requests can be made for a copy of a record related to an item on the agenda.

Reconsideration and Grievance Process: For information on the WHNC’s process for board action reconsideration, stakeholder grievance policy or any other procedural matters related to this Council, please consult the WHNC Bylaws. The Bylaws are available at our website, www.westhillsnc.org

Servicios De Traducción: Si requiere servicios de traducción, favor de avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes del evento. Por favor contacte Michelle.Ritchie@westhillsnc.org



WEST HILLS NEIGHBORHOOD COUNCIL

**JOINT GOVERNMENT RELATIONS COMMITTEE/BOARD
MEETING MINUTES
Telephonic and Online
January 23, 2023**

Revised January 31, 2023 and February 8, 2023

Attendance: Aida Abkarians, Faye Barta, Clarice Chavira, Saif Mogri, Steve Randall, Myrl Schreiberman, Joan Trent, Brad Vanderhoof, and Joanne Yvanek-Garb
Committee Members Absent: Mark Neudorff

Other Board members in Attendance: Glenn Jennings, and Char Rothstein

- Co-chair Joanne Yvanek-Garb called the meeting to order at 7:33 PM. A quorum was established.
- The December minutes were approved.
- Comments from the Co-Chairs: Joanne stated Jose Huizar was sentenced to prison.
- Public Comment: Lionel Mares spoke on the upcoming CicLAvia event in the Valley.
- **Assembly Bill 2449**, effective as of January 1, 2023, regarding teleconference participation by members of legislative bodies for and during public meetings: Myrl moved to request a continuance of virtual meetings for five months. Faye seconded.

Aida Abkarians – Yes, Faye Barta – Yes, Clarice Chavira – Abstain, Saif Mogri – No,
 Mark Neudorff – Absent, Steve Randall – Yes, Myrl Schreiberman – Yes, Joan Trent – Yes,
 Brad Vanderhoof – Abstain, Joanne Yvanek-Garb – Yes
 Yes – 6, No – 1, Abstain – 2, Absent – 1, Ineligible – 0, Recused – 0
 The motion is approved.

- **Council File 23-0002-S16**, Los Angeles Neighborhood Council System / Remote Meetings / Ralph M. Brown Act Amendment (to allow Neighborhood Councils to meet virtually in perpetuity):

CIS in support:

Aida Abkarians – Yes, Faye Barta – Yes, Clarice Chavira – Yes, Saif Mogri – Yes,
 Mark Neudorff – Absent, Steve Randall – Yes, Myrl Schreiberman – Yes, Joan Trent – Yes,
 Brad Vanderhoof – Yes, Joanne Yvanek-Garb – Yes
 Yes – 9, No – 0, Abstain – 0, Absent – 1, Ineligible – 0, Recused – 0
 The CIS passes and will be sent to the WHNC Board.

- **Council File 23-002-S17**, Local Legislative Bodies / Virtual Meetings / Ralph M. Brown Act Amendment (to allow Neighborhood Councils to meet virtually in perpetuity):

CIS in support:

Aida Abkarians – Yes, Faye Barta – Yes, Clarice Chavira – Yes, Saif Mogri – Yes,
Mark Neudorff – Absent, Steve Randall – Yes, Myrl Schreiber – Yes, Joan Trent – Yes,
Brad Vanderhoof – Yes, Joanne Yvanek-Garb – Yes
Yes – 9, No – 0, Abstain – 0, Absent – 1, Ineligible – 0, Recused – 0
The CIS passes and will be sent to the WHNC Board.

- **Proposed statement/attachment to approved CISs regarding the need of Neighborhood Councils to continue to meet virtually:**

Approval of draft statement/attachment, as amended during discussion:

Aida Abkarians – Yes, Faye Barta – Yes, Clarice Chavira – Yes, Saif Mogri – Yes,
Mark Neudorff – Absent, Steve Randall – Yes, Myrl Schreiber – Yes, Joan Trent – Yes,
Brad Vanderhoof – Yes, Joanne Yvanek-Garb – Yes
Yes – 9, No – 0, Abstain – 0, Absent – 1, Ineligible – 0, Recused – 0
The draft, as amended, is approved and will be sent to the WHNC Board.

- **Assembly Bill 2647, regarding Distribution of Public Meeting Materials:** No action taken.
- **Senate Bill 1100, regarding Removal of Disruptive Individuals:** No action taken.

Co-chair Joanne Yvanek-Garb adjourned the meeting at **9:35 PM**.

The next meeting of this committee is February 13, 2023 at 7:30 PM, online and telephonic.

Notes:

Rules of the City Council / Censured Councilmember / Charter Amendment

City Council File #22-1285 introduced 10/26/2022

Approved by City Council on 01/11/2023

GRC approved CIS Submission FOR on 12/19/2022

RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

MOTION

Pursuant to Section 209 of the Charter, the City Council introduced a resolution to censure Councilmembers Cedillo, De Leon, and Martinez on October 11, 2022 for their conduct during a secretly recorded meeting in October 2021. During the October 2021 meeting, the above Councilmembers and then Los Angeles County Federation of Labor President Ron Herrera made racist and homophobic remarks about colleagues and constituents, as well as discussed manipulating Council District boundaries to weaken the strength of Black voters, renters, and other communities. Nury Martinez has since resigned as the Councilmember of Council District 6, but despite widespread calls for their resignations, Councilmembers Cedillo and De Leon have chosen to remain in their positions.

Today, an Ad Hoc Committee considered the Council's censure resolution. The Ad Hoc Committee has moved forward with censuring these members, and taken the time to devise what tools are at the Council's disposal as it relates to reaffirming and strengthening the impact of censures moving forward. The censured Councilmembers' conduct severely undermined confidence in our City's leadership and redistricting process, among other issues. For this reason, it is imperative that the City takes the necessary steps to use the full extent of its power under its censure procedures and any other relevant rules to prevent this and other types of abuse of power in the future. To this end, and pursuant to Council Rule 77, the Council should explore amending the Rules of the City Council to establish consequences associated with censures.

I THEREFORE MOVE that the Council request the Chief Legislative Analyst and the City Attorney report with recommendations that amend the Rules of the City Council to include a list of potential consequences that can be imposed upon a censured Councilmember, including but not limited to, the following:

- Limiting a censured Councilmember's ability to use discretionary funds and authorize contracts;
- Restricting a censured Councilmember's participation in Council Committees until the end of their term, or until the Council overturns their censure; and
- Limiting a censured Councilmember's ability to introduce certain types of Motions.

I FURTHER MOVE that the Council request that the City Attorney report with recommendations that amend the City Charter as it relates to censure.

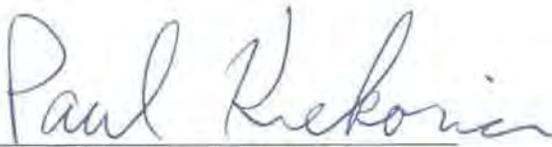
I FURTHER MOVE that the Council request the Chief Legislative Analyst, with the assistance of the City Attorney, provide an opinion on whether the Council has the authority to implement any proposed consequences upon a censured Councilmember until the end of their term, or for a duration of time until the censure is overturned.

I FURTHER MOVE that the Council request the Chief Legislative Analyst and the City Attorney report on the steps necessary to effectuate changes to the Rules of the City Council as it relates to Censure.

OCT 27 2022

PMK

PRESENTED BY: 
MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

PRESENTED BY: 
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY: 
MIKE BONIN
Councilmember, 11th District

ORIGINAL

HOLLY L. WOLCOTT
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



KAREN BASS
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division

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PATRICE Y. LATTIMORE
DIVISION MANAGER

CLERK.LACITY.ORG

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 22-1285

Council Meeting Date: January 11, 2023

Agenda Item No.: 17

Agenda Description: AD HOC COMMITTEE ON CITY GOVERNANCE REFORM REPORT relative to Motion (Harris-Dawson - Krekorian - Bonin) relative to amending the Rules of the City Council to include a list of potential consequences that can be imposed upon a censured Councilmember, and related matters.

Council Action: AD HOC COMMITTEE ON CITY GOVERNANCE REFORM REPORT - ADOPTED AS AMENDED BY MOTION (HERNANDEZ – SOTO-MARTÍNEZ)

Council Vote:

YES	Blumenfield	NO	de León	YES	Harris-Dawson
YES	Hernandez	YES	Hutt	YES	Krekorian
YES	Lee	YES	McOsker	YES	Park
YES	Price Jr.	YES	Raman	NO	Rodriguez
YES	Soto-Martínez	YES	Yaroslavsky		

HOLLY L. WOLCOTT
CITY CLERK

Adopted Report(s) Title
Amending Motion (Hernandez - Soto-Martínez)_01-11-23

Report from the Ad Hoc Committee on City Governance Reform_12-8-22



Los Angeles
Department of
Water & Power

RESOLUTION NO. _____

BOARD LETTER APPROVAL

JOSEPH M. RAMALLO
Senior Assistant General Manager –
Corporate Strategy and Communications

MARTIN L. ADAMS
General Manager and Chief Engineer

DATE: December 20, 2022

SUBJECT: Renewal of the Intra-City Memorandum of Understanding with Certified Neighborhood Councils

SUMMARY

Board of Water and Power Commissioners (Board) approval is requested of the attached Intra-City Memorandum of Understanding (MOU) between Certified Neighborhood Councils (NC) and LADWP, approved as to form and legality by the City Attorney. Also transmitted is a Resolution, approved as to form and legality by the City Attorney, authorizing approval of the MOU.

LADWP and the NC MOU Oversight Committee agreed to renew the MOU for an additional five-year period with modifications to continue to enhance effective two-way communications, transparency, and promote information sharing, mutual notice, and education.

The term of the amended MOU will be five years, effective on the date it is approved by the Board.

City Council approval is not required.

RECOMMENDATION

It is recommended that the Board adopt the Resolution approving the MOU between NC and LADWP.

FINANCIAL INFORMATION

The current five-year budget and rates plan includes funding for staffing to service the NC and ensure that the notifications and activities set forth in the MOU are met.

BACKGROUND

Article IX of the Los Angeles City Charter established the creation of a citywide system of NC to promote citizen participation in government and make government more responsive to local needs. NC include representatives of many diverse interests in the community and have an advisory role on issues of concern to neighborhoods throughout the City.

As a leader among City departments and in an effort to further enhance communication with NC, in April 2005, the Board approved an MOU with NC that chose to enter into such a MOU. The MOU was amended in 2007, approved as to form and legality by the City Attorney's Office, to extend the original MOU for a term of five years and is on file with the Secretary of the Board.

It was anticipated that over time, provisions of the MOU would need to be modified to further enhance effective communications between LADWP and certified NC that choose to enter into the MOU. The MOU was again amended in 2012 primarily to clarify the timeline relative to the neighborhood council rate action review period.

Since 2012, LADWP's efforts to comply with the provisions of the MOU continued to be commendable and appreciated. LADWP and NCs have agreed to renew the MOU for another five-year period with some additional modifications, to add expand topics for educational purposes and further clarify the NC rate review period.

ENVIRONMENTAL DETERMINATION

Determine item is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines 15060(c)(3). In accordance with this section, an activity is not subject to CEQA if it does not meet the definition of a project. Section 15378(b)(2) states that continuing administrative or maintenance activities, such as amending an advertising agreement scope of work to include translation and print services, does not meet that definition. Therefore, the approval to amend a scope of work for assistance from a qualified advertising firm to assist in the media planning and placement of advertising and marketing to promote awareness of LADWP, energy efficiency and water conservation efforts as well as LADWP programs and initiatives is not subject to CEQA.

CITY ATTORNEY

The Office of the City Attorney reviewed and approved the amended MOU and attached Resolution as to form and legality.

ATTACHMENTS

- Resolution
- MOU

RESOLUTION NO. _____

WHEREAS, Article IX of the Los Angeles City Charter established the creation of a citywide system of neighborhood councils to promote citizen participation in government and make government more responsive to local need; and

WHEREAS, as a leader amongst City departments and in an effort to provide better communication with neighborhood councils, the Board of Water and Power Commissioners approved an Amended Intra-City Memorandum of Understanding (MOU) between certified neighborhood councils and the Los Angeles Department of Water and Power (Department) on April 17, 2012 and renewed the MOU on May 2, 2017; and

WHEREAS, said MOU is for a term of five years, the Department proposes to renew the MOU with modifications for an additional five-year term in an effort to continue to provide better communication with neighborhood councils; and

WHEREAS the Department is submitting for approval by this Board the Intra-City Memorandum of Understanding between certified neighborhood councils and the Department; and

WHEREAS the current five-year budget and rates plan already includes funding for staffing to service the Neighborhood Councils and ensure that the notifications and activities set forth in the MOU are met.

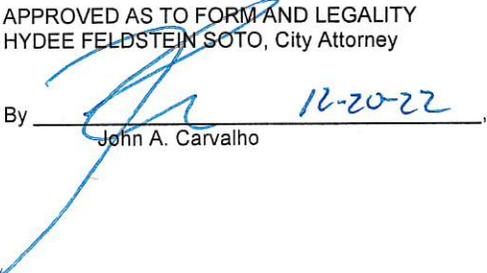
NOW, THEREFORE, BE IT RESOLVED, that said MOU, which has been approved as to form and legality by the City Attorney and filed with the Secretary of the Board, is hereby approved.

BE IT FURTHER RESOLVED, that the President or Vice President of the Board, or the General Manager or such person as the General Manager shall designate in writing, together with the Secretary, Assistant Secretary or the Acting Secretary of the Board are hereby authorized and directed to execute said MOU for and on behalf of the LADWP.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a Resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held

Secretary

APPROVED AS TO FORM AND LEGALITY
HYDEE FELDSTEIN SOTO, City Attorney

By  11-20-22

John A. Carvalho

INTRA-CITY MEMORANDUM OF UNDERSTANDING BETWEEN CERTIFIED NEIGHBORHOOD COUNCILS AND LOS ANGELES DEPARTMENT OF WATER AND POWER

This five-year Memorandum of Understanding (hereinafter "MOU") is mutually agreed upon by the City of Los Angeles acting by and through the Department of Water and Power ("LADWP") and Certified Neighborhood Councils, effective upon the date approved by the Board of Water and Power Commissioners of the City of Los Angeles.

RECITALS

Whereas Article IX of the charter of the City of Los Angeles and the implementing Regulations as currently set forth in Ordinances Nos. 174006 and 174975 provide that:

- (1) Information from the City should be sent to certified Neighborhood Councils as soon as practical so that certified neighborhood councils are afforded as much opportunity as is practical to provide comment before decisions are made;
- (2) Certified Neighborhood Councils may provide comment and feedback to the City Council, its committees, and to City boards and commissions by using the Early Notification System. The Neighborhood Council may communicate its views either by way of mailed letter, fax, E-mail or by a representative appearing in person to make a presentation on an item before the City's decision-makers; and
- (3) Neighborhood Councils shall monitor the delivery of City services in their respective areas and have periodic meetings with responsible City departments, subject to their reasonable availability; and

Whereas LADWP and the Neighborhood Councils mutually agree that the People of the City of Los Angeles will benefit from increased communication and cooperation between LADWP and the Neighborhood Councils;

LADWP WILL DO THE FOLLOWING:

1. LADWP Liaisons:
 - 1.1. LADWP will designate a person(s) as the primary point of contact with each Neighborhood Council ("LADWP Liaison"). LADWP will assign a primary LADWP Liaison to each of the seven Los Angeles Planning Districts. LADWP Liaisons may be assigned to more than one Neighborhood Council and Planning District.

- 1.2. The duties of an LADWP Liaison include (1) attending Regional Neighborhood Council Alliance Meetings (2) participating in board and committee meetings of Neighborhood Councils in their assigned districts regarding matters involving LADWP, upon request, (3) receiving requests for information, assistance or service from Neighborhood Councils in their district, transmitting the requests to the appropriate person(s) within LADWP, attempting to provide responses to the Neighborhood Council in a timely manner; and (4) processing requests for speakers or educational materials (as more fully described in Section 3, "EDUCATION," and Section 4, "DELIVERY OF SERVICES," below).
- 1.3. In order to assist the LADWP Liaison, Neighborhood Councils shall channel all requests for information through their LADWP liaison and the Neighborhood Councils shall make best efforts to notify the LADWP liaison of any requests made by their constituents through other means. This section shall not apply to homeowner requests for information relating to infrastructure issues, such as a short power outage or permit information.
- 1.4. Within 15 days after execution of this MOU, LADWP will provide notification of the name, telephone number, mailing address and e-mail address for each LADWP Liaison to the Neighborhood Councils.
- 1.5. Within 30 days after LADWP assigns a new person as an LADWP Liaison, LADWP will provide the name, telephone number, mailing address and e-mail address for each LADWP Liaison.

2. NOTIFICATION BY DEPARTMENT OF WATER AND POWER.

- 2.1. LADWP will provide notification as soon as practical of all matters that it deems to be significant, or any matter that the Neighborhood Council Oversight Committee, after a majority vote of the Committee, has informed LADWP in writing is significant. The majority vote of the Neighborhood Council Oversight Committee shall stay in effect unless and until a majority of the Neighborhood Councils that have entered into this MOU take official action (as defined in Section 6.1) deeming the matter not significant. Among the purposes of notification by LADWP is permitting Neighborhood Councils to have input into decisions by LADWP and to monitor the delivery of services by LADWP. A good faith effort will be made by both parties to abide by the timeframes in this MOU.

LADWP will provide notification as soon as practicable, but before the Board of Water and Power Commissioners (the "Board") adopts a major policy or program, or significant changes in an existing

major policy or program.

2.2. Unless otherwise specified below, LADWP will provide notification to all of the following recipients:

2.2.1. The President/Chair of each Neighborhood Council, as determined by the Roster of Neighborhood Councils maintained and published by the Department of Neighborhood Empowerment (“DONE”); and

2.2.2. Any Neighborhood Council member who requests to receive notification by signing up on the LADWP Neighborhood Council list server; and

2.2.3. The Neighborhood Council Representative designated pursuant to Section 5.1 of this MOU.

2.3. LADWP shall provide notification through one or more of the following methods;

2.3.1. Electronic mail;

2.3.2. Posting of material on LADWP website with a link sent by electronic mail to recipients identified in Section 2.2 above.

2.3.3. When LADWP provides notification by electronic mail, LADWP will use its best efforts to satisfy requests for notification by an alternate means, including U.S. mail, to persons who do not have access to e-mail or who are unable to download attachments to e-mail messages.

2.4. LADWP will use its best efforts to provide notification concerning the following documents not less than 90 days before they are finalized by LADWP:

2.4.1. Ten-Year Capital Improvement Program. Every two or three years, the LADWP Water Services prepares a document entitled “Ten Year Capital Improvement Program.” LADWP will use its best efforts to provide Neighborhood Councils with opportunity to have input into this document before it is finalized.

2.4.2. Urban Water Management Plan. LADWP will use its best efforts to provide Neighborhood Councils with notice of public workshops relating to an Urban Management Plan as soon as they are scheduled.

2.4.3. LADWP Power Strategic Long-Term Resources Plan

(SLTRP), which can be 10 to 25-year plans.

2.4.4. LADWP Power System Operations Business Plan that looks at near-term and long-term goals and objectives for replacing or upgrading aging distribution and transmission equipment and load growth improvements.

2.5. Local Issues

2.5.1. LADWP and the Neighborhood Councils recognize that many issues regarding LADWP services will be specific to individual neighborhoods. For such local issues, the Neighborhood Council Representatives will contact their LADWP Liaison.

2.5.2. The LADWP Liaison will direct the Neighborhood Council inquiry to the appropriate person or division within LADWP.

2.5.3. LADWP will use its best efforts to provide a response as soon as possible, but no later than 48 hours after the inquiry is made. In the event additional time is required to provide a response that LADWP deems necessary for a complete response, preliminary information may be provided in the initial response.

2.5.4. If LADWP is unable to provide a substantive response within 48 hours, LADWP will use its best efforts to provide the Neighborhood Council with a status report every 14 days until a substantive or more complete response can be provided.

2.5.5. If provided ten (10) working days' notice, LADWP will use its best efforts to send a knowledgeable representative to attend a meeting of a Neighborhood Council, or a meeting of a committee of a Neighborhood Council, regarding service issues. If LADWP is not provided ten (10) working days' notice, LADWP will make its best efforts to accommodate requests that an LADWP representative attend a meeting. Attendance may be virtual if that option is available.

2.6. Planned Significant Projects within the City of Los Angeles

2.6.1. Significant Projects: LADWP will use its best efforts to provide notification to the affected Neighborhood Council(s) of Significant Projects 90 days prior to the commencement of work to be constructed within the City of Los Angeles. For purposes of this subsection, "Significant Projects" is defined as those projects, programs and activities that would require

either an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND) in accordance with the California Environmental Quality Act (CEQA) and excludes programs, projects and activities that would qualify for either a simple negative declaration or a categorical exemption.

2.6.2. Closing of Streets: LADWP will use its best efforts to notify the affected Neighborhood Council(s) when LADWP applies for an excavation permit that will involve the closing or partial closing of streets for 48 hours or more.

2.7. Unplanned Major Disruption of Services Lasting Four (4) Hours or More:

2.7.1. Where there is an unplanned major disruption of services lasting four hours or more, LADWP will share information upon request with the Neighborhood Council(s) in the affected area after the event/occurrence that caused the disruption of service.

2.8. Major Customer Programs: LADWP will use its best efforts to provide reasonable notification of changes or creation of Major Customer Programs. This includes, but is not limited to significant changes to customer programs such as renewable energy programs, energy efficiency programs, water recycling programs, water conservation programs etc.

2.9. The LADWP Budget Process

2.9.1. LADWP will use its best efforts to provide Neighborhood Councils with notification relating to the development of its annual budget at the same time as LADWP provides notification to other reviewing agencies, boards or bodies, including but not limited to the Board or City Council. In addition, LADWP will use its best efforts to provide specific notification to Neighborhood Councils as follows:

2.9.2. Stage One: Fall Budget Workshop.

2.9.2.1. In November or December of each year, LADWP will provide a Budget presentation to the NC MOU Oversight Committee.

2.9.2.2. During the Oversight Committee Meeting, LADWP will present information to Neighborhood Councils regarding the multi-year financial plans and the prior year proposed budget versus actual expenditures.

2.9.3. Stage Two: Spring Budget Workshop:

2.9.3.1. In March or April of each year, LADWP will provide a Budget presentation to the NC MOU Oversight Committee.

2.9.3.2. During the Oversight Committee, LADWP will provide further clarifications to any questions from the Neighborhood Councils regarding the upcoming fiscal year's budget, based upon the information provided at the Fall Budget Presentation. Neighborhood Councils will provide a written response to LADWP that includes, but is not limited to comments, suggestions, and/or objections for consideration in the development of the upcoming fiscal year's budget 60 days after the Fall Budget Presentation.

2.9.4. Draft Budget for Upcoming Fiscal Year. When materials for the upcoming fiscal year draft budgets are posted for review on LADWP'S website, LADWP will use its best efforts to provide notification to the Neighborhood Councils through the MOU Committee and Community Newsletter. The website will also contain the time and meeting location for the Board's Draft Budget and Financial Plans Review. It is LADWP's policy to post matters for review as soon as they are completed.

2.10. Rate Action

2.10.1. For the purposes of this section, "Rate Action" is defined to include changes in the rates, rate formulas, rate structures or rate tiers that must be approved by the City Council by ordinance and are used by LADWP in calculating the amount billed or charged to any residential or non-residential retail business customer. For example, this section does not include new business service rates, special contract rates, wholesale electric pricing, transmission pricing, special service contracts, outdoor area lighting rates, or other special fees that are not applicable by tariff. For purposes of this section, "outdoor area lighting rates" means lighting that retail customers wish to add to their property, and does not mean street lighting. A proposed Rate Action may be either fixed amounts or a range of alternative values.

2.10.2. LADWP will use its best efforts to provide notification to the

MOU Oversight Committee of any proposed Rate Action. Such notification will include the Rate Action and upon request, copies of the supporting documentation provided to the Board and the City Council for consideration:

(i) Sixty (60) days before the proposed rate action is considered for final approval by the Board of Water and Power Commissioners if the rate action is for a single year or

(ii) Ninety (90) days before the proposed rate action is considered for final approval by the Board of Water and Power Commissioners if the rate action is for multiple years.

2.10.3. The notice periods in 2.10.2 shall begin with a complete draft ordinance to be proposed to the Board of Water and Power Commissioners.

2.10.4. LADWP will use its best efforts to provide seven (7) days' notice to the MOU Oversight Committee of any meeting at which the Board is scheduled to take action on a proposed rate action.

3. EDUCATION

3.1. LADWP and the Neighborhood Councils intend for the education component of these Guidelines to be a reciprocal, shared, joint and mutual process. It is essential that the Neighborhood Councils have as full and complete an understanding as possible of how LADWP operates. The Neighborhood Councils shall offer LADWP a method for making information available to Neighborhood Council stakeholders.

3.2. LADWP may publish a monthly electronic newsletter, LADWP in the Community, focused on Neighborhood Council and community issues as they relate to LADWP. LADWP welcomes input from Neighborhood Councils on the content and focus of the newsletter. LADWP shall also make the newsletter available on the LADWP News website: www.ladwpnews.com.

3.3. LADWP Liaisons will educate Neighborhood Councils regarding the organization and workings of LADWP.

3.3.1. This could include such matters as the responsibilities of Water Services and Power Services and information relating to existing major policies or programs.

3.3.2. LADWP may provide such education through workshops, participation in Neighborhood Council Congresses, presentations at Neighborhood Council meetings, and distribution of written materials.

3.4. LADWP will use its best efforts to accommodate requests by Neighborhood Councils for speakers at Neighborhood Council meetings and events, virtual or in-person, to make presentations on areas of interest. Topics to be covered may include the following local as well as city-wide issues, including but not limited to:

- Urban Water Management Plans
 - San Fernando Basin Remediation
 - Local Water Supply Development
 - Owens Valley Dust Mitigation
 - Recycled Water Development
 - Water Conservation
 - Drought Response
- Water Quality Issues
- Pipe Replacement Program
- Water Services' Ten-Year Capital Budget
- Power Strategic Long-Term Resource Plan
 - Repower Local Power Plants
 - New Transmission Investments
 - Renewable Portfolio Standard
- Transition to 100% Clean Energy
 - LA100 Equity Strategies
 - Energy Efficiency Programs
 - Transportation & Building Electrification
- Power Reliability Program
- Overhead/Underground Conversion of Power Facilities
- Water and Electric Rates
- Security Issues
- Recreational Use of LADWP Facilities
- Customer Service Improvements
- Customer Information Systems
- Environment Stewardship
- Sustainable Practices
- Equity Metrics Data Initiative
- Integrated Human Resources Plan

3.5. Channel 35: LADWP will make use of Channel 35, including broadcasting all meetings of the Board and broadcasting informational programs.

3.6. LADWP Legislative Priorities. The activities of LADWP are governed by numerous federal, state and local statutes and

regulations. Neighborhood Councils will be provided information relating to proposed changes to statutes and regulations that may affect LADWP, upon request.

- 3.7. Educational Site Visits: LADWP may invite members of Neighborhood Councils or stakeholders to participate in site visits to LADWP facilities as LADWP deems appropriate considering safety and availability of LADWP representatives to support such site visits.

4. DELIVERY OF SERVICES

- 4.1. Pursuant to section 909 of the Los Angeles City Charter, Neighborhood Councils shall monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments, subject to their availability.
- 4.2. LADWP will hold-local or online meetings to discuss topics of interest. At these meetings, LADWP will
 - 4.2.1. Discuss planned maintenance programs, improvements in service, and improvements in infrastructure within the Planning Area.
 - 4.2.2. Provide Neighborhood Councils the opportunity to bring any matters of concern to the attention of LADWP. LADWP shall not be obligated to respond to any matter that is in litigation, potential litigation, a security issue, and/or covered by any applicable privilege including, but not limited to the attorney-client privilege.
 - 4.2.3. Review priorities for work in the communities and may suggest adjustments as permitted by budgetary and reliability constraints.
 - 4.2.4. As appropriate, consider the results of these discussions in development of LADWP's capital improvement program for future infrastructure improvements.
 - 4.2.5. Discuss reliability improvement projects and share information on various incentive programs available to customers for energy efficiency, solar, green power, water conservation, and outdoor area lighting.
- 4.3. Measurement of Delivery of Services:
 - 4.3.1. Upon request, LADWP will identify and provide to the Neighborhood Councils the standards it uses to measure its

performance.

- 4.3.2. Upon request, LADWP will identify and provide existing, readily-available, nonproprietary reports regarding LADWP's performance.

NEIGHBORHOOD COUNCILS WILL DO THE FOLLOWING:

5. Neighborhood Council Representatives

- 5.1. Each Neighborhood Council shall designate a person as the point of contact for communications with LADWP. Each Neighborhood Council is responsible for determining how this person ("NC Representative") is designated.
- 5.2. Each Neighborhood Council will provide the name, mailing address, phone numbers(s) and e-mail address of its representative to the designated LADWP Liaisons(s) that is responsible for interfacing with such Neighborhood Council. In order to assure good communication, updated contact information will be provided to the assigned LADWP Liaison(s).
- 5.3. Neighborhood Council representatives will use their best efforts to provide annual NC Board membership and contact information to the Department of Water and Power.
- 5.4. The Neighborhood Council MOU Committee will designate a single representative to serve as designee for reserving meeting rooms at LADWP facilities, and maintaining required compliance with LADWP Commuter and Reservation Office room reservation procedures.

6. NOTIFICATION BY NEIGHBORHOOD COUNCILS ON LADWP ISSUES:

- 6.1. LADWP will recognize official actions taken by Certified Neighborhood Councils. "Official Actions" are actions adopted by motion at a public meeting held in accordance with the requirements of the Brown Act.
- 6.2. If a Neighborhood Council, or a committee of a Neighborhood Council, intends to include on any meeting agenda any matter relating to LADWP, that Neighborhood Council shall provide 14 days notice to LADWP before the Neighborhood Council, or committee of a Neighborhood Council, takes any official action on

that matter.

6.2.1. At this meeting, LADWP will request the opportunity to present LADWP's position on the matter raised by the Neighborhood Council, including giving an LADWP representative a reasonable amount of time to make a presentation.

7. NEIGHBORHOOD COUNCIL RESPONSE TO LADWP NOTIFICATIONS:

- 7.1. The purpose of many of the LADWP notifications described in Section 2 above is to give Neighborhood Councils the opportunity to provide input before decisions are made by LADWP. In reciprocation, the Neighborhood Councils will use their best efforts to provide this input to LADWP in a timely manner, so that LADWP may consider their input. The President of the Neighborhood Council or his/her authorized representative will give said notifications after a vote by the Neighborhood Council approving the position of the Neighborhood Council. This notification shall be forwarded by the President of the Neighborhood Council or his/her authorized representative to the General Manager for consideration.
- 7.2. Where LADWP has provided the Neighborhood Councils with notification pursuant to any of section of this MOU, each Neighborhood Council will make its best efforts to provide written input to LADWP within 60 days after receipt, unless otherwise provided by this MOU.
- 7.3. Neighborhood Councils also can monitor LADWP's provision of services on a citywide level through the Neighborhood Council's participation in the annual budget process and development of other long-term plans, discussed in section 2, above.

8. NEIGHBORHOOD COUNCILS' LADWP OVERSIGHT COMMITTEE:

- 8.1. Each Neighborhood Council will independently decide whether to enter into this MOU and do so with a Resolution and Board Action Certificate.
- 8.2. Due to the large number of Neighborhood Councils, it will be impractical for each Neighborhood Council to separately negotiate any modifications to the MOU with LADWP, and for LADWP to separately negotiate modifications with each Neighborhood Council. The Neighborhood Council Oversight Committee will be responsible for any modifications to the MOU.
- 8.3. The members of the Neighborhood Councils' LADWP Oversight

anticipated that the provisions of this MOU will be modified and extended to enhance effective communication between the parties.

11. STATEMENT REGARDING BEST EFFORTS.

11.1. While this MOU contains non-binding compliance dates, both LADWP and the Neighborhood Councils pledge to make their best efforts to comply with all of the provisions of the MOU. Both parties recognize that no cause of action can arise by the failure of either party to comply with any provision of this MOU. This MOU shall not establish any rights for any third party that is not a signatory to this MOU.

12. EMERGENCY

12.1. If an emergency is declared by the General Manager, the Board of Water and Power Commissioners or the City Council, all obligations under this agreement shall be suspended until the emergency is over.

13. COUNTERPARTS AND SIGNATURES

13.1 This MOU may be executed in one or more counterparts, and by the parties in separate counterparts, each of which when executed shall be deemed to be an original but all of which taken together shall constitute one and the same agreement. The parties further agree that facsimile signatures or signatures scanned into .pdf (or signatures in another electronic format designated by LADWP) and sent by e-mail shall be deemed original signatures

This MOU was executed in the City of Los Angeles, California by the parties and on the dates set forth below:

Date: _____

DEPARTMENT OF WATER AND POWER OF
THE CITY OF LOS ANGELES

BY

BOARD OF WATER AND POWER
COMMISSIONERS OF THE CITY OF LOS
ANGELES

By: _____

MARTIN L. ADAMS
General Manager and Chief Engineer

Date: _____

And: _____

CHANTE L. MITCHELL
Board Secretary

Date December 21, 2022


Neighborhood Council

APPROVED AS TO FORM AND LEGALITY
HYDEE FELDSTEIN SOTO, City Attorney

By 
JOHN A. CARVALHO, Deputy City Attorney

Date: _____ 12-20-22 _____

Introduced by Senator Portantino
(Coauthor: Senator Menjivar)
(Coauthor: Assembly Member Luz Rivas)

February 9, 2023

An act to add Section 54953.4 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as introduced, Portantino. Open meetings: teleconferences: bodies with appointed membership.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice,

agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54953.4 is added to the Government
2 Code, to read:

1 54953.4. (a) (1) A legislative body included in subdivision
2 (c) may use teleconferencing without complying with paragraph
3 (3) of subdivision (b) of Section 54953 if the legislative body
4 complies with paragraph (2) of this section.

5 (2) A legislative body that holds a meeting pursuant to this
6 subdivision shall do all of the following:

7 (A) In each instance in which notice of the time of the
8 teleconferenced meeting is otherwise given or the agenda for the
9 meeting is otherwise posted, the legislative body shall also give
10 notice of the means by which members of the public may access
11 the meeting and offer public comment. The agenda shall identify
12 and include an opportunity for all persons to attend via a call-in
13 option or an internet-based service option.

14 (B) In the event of a disruption that prevents the legislative body
15 from broadcasting the meeting to members of the public using the
16 call-in option or internet-based service option, or in the event of
17 a disruption within the local agency's control that prevents
18 members of the public from offering public comments using the
19 call-in option or internet-based service option, the legislative body
20 shall take no further action on items appearing on the meeting
21 agenda until public access to the meeting via the call-in option or
22 internet-based service option is restored. Actions taken on agenda
23 items during a disruption that prevents the legislative body of a
24 neighborhood council from broadcasting the meeting may be
25 challenged pursuant to Section 54960.1.

26 (C) The legislative body shall not require public comments to
27 be submitted in advance of the meeting and must provide an
28 opportunity for the public to address the legislative body and offer
29 comment in real time.

30 (D) Notwithstanding Section 54953.3, an individual desiring to
31 provide public comment through the use of an internet website, or
32 other online platform, not under the control of the legislative body,
33 that requires registration to log in to a teleconference may be
34 required to register as required by the third-party internet website
35 or online platform to participate.

36 (E) (i) A legislative body that provides a timed public comment
37 period for each agenda item shall not close the public comment
38 period for the agenda item, or the opportunity to register, pursuant
39 to subparagraph (D), to provide public comment until that timed
40 public comment period has elapsed.

1 (ii) A legislative body that does not provide a timed public
2 comment period, but takes public comment separately on each
3 agenda item, shall allow a reasonable amount of time per agenda
4 item to allow public members the opportunity to provide public
5 comment, including time for members of the public to register
6 pursuant to subparagraph (D), or otherwise be recognized for the
7 purpose of providing public comment.

8 (iii) A legislative body that provides a timed general public
9 comment period that does not correspond to a specific agenda item
10 shall not close the public comment period or the opportunity to
11 register, pursuant to subparagraph (D), until the timed general
12 public comment period has elapsed.

13 (3) This subdivision shall not be construed to require the
14 legislative body to provide a physical location from which the
15 public may attend or comment.

16 (b) The legislative body shall comply with all other requirements
17 of Section 54953.

18 (c) As used in this section, “legislative body” means a board,
19 commission, or advisory body of a local agency, the membership
20 of which board, commission, or advisory body is appointed and
21 which board, commission, or advisory body is otherwise subject
22 to this chapter. As used in this subdivision, “advisory body”
23 includes, but is not limited to, a neighborhood council that is an
24 advisory body with the purpose to promote more citizen
25 participation in government and make government more responsive
26 to local needs that is established pursuant to the charter of a city
27 with a population of more than 3,000,000 people that is subject to
28 this chapter.

29 SEC. 2. The Legislature finds and declares that Section 1 of
30 this act, which adds Section 54953.4 to the Government Code,
31 imposes a limitation on the public’s right of access to the meetings
32 of public bodies or the writings of public officials and agencies
33 within the meaning of Section 3 of Article I of the California
34 Constitution. Pursuant to that constitutional provision, the
35 Legislature makes the following findings to demonstrate the interest
36 protected by this limitation and the need for protecting that interest:

37 During the COVID-19 public health emergency, audio and video
38 teleconference were widely used to conduct public meetings in
39 lieu of physical location meetings, and those public meetings have
40 been productive, increased public participation by all members of

1 the public regardless of their location and ability to travel to
2 physical meeting locations, increased the pool of people who are
3 able to serve on these bodies, and protected the health and safety
4 of civil servants and the public. Extending the operation of
5 teleconference as conducted during the COVID-19 public health
6 emergency for bodies of local agencies with appointed membership
7 will continue these benefits.

8 SEC. 3. The Legislature finds and declares that Section 1 of
9 this act, which adds Section 54953.4 to the Government Code,
10 furthers, within the meaning of paragraph (7) of subdivision (b)
11 of Section 3 of Article I of the California Constitution, the purposes
12 of that constitutional section as it relates to the right of public
13 access to the meetings of local public bodies or the writings of
14 local public officials and local agencies. Pursuant to paragraph (7)
15 of subdivision (b) of Section 3 of Article I of the California
16 Constitution, the Legislature makes the following findings:

17 During the COVID-19 public health emergency, audio and video
18 teleconference were widely used to conduct public meetings in
19 lieu of physical location meetings, and those public meetings have
20 been productive, increased public participation by all members of
21 the public regardless of their location and ability to travel to
22 physical meeting locations, increased the pool of people who are
23 able to serve on these bodies, and protected the health and safety
24 of civil servants and the public. Extending the operation of
25 teleconference as conducted during the COVID-19 public health
26 emergency for bodies of local agencies with appointed membership
27 will continue these benefits.

28 SEC. 4. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the California Constitution and shall
31 go into immediate effect. The facts constituting the necessity are:

32 Virtual meetings have allowed much easier access to appointed
33 bodies of local agencies with far more members of the public
34 participating in each meeting. This has created greater equity in
35 the process and fostered the health of our democracy. In-person
36 meetings may jeopardize the health and safety of vulnerable
37 citizens due to ongoing risks of COVID-19 and other illnesses.