



www.babcnc.org
General Meeting Agenda
Wednesday, August 28, 2013

Community Magnet School
Los Angeles, CA 90049
11301 Bellagio Road

7:00-9:00 p.m.

The public is welcome to speak. Meeting is being audio taped.

*We request that you fill out a **Speaker Card** to address the Council on any item on the Agenda. Comments from the public on other matters not appearing on the Agenda will be heard during the Public Comment period. Public comment is limited to 3 minutes per speaker unless waived by the presiding officer of the Council. (As a covered entity under TITLE 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, listening devices, or other auxiliary aids and/or services will be provided upon request. To ensure availability of services, please make your request at least 3 business days prior to the meeting you wish to attend by contacting the Neighborhood Council Project Coordinator at 213 485-1360.)*

General Meeting

- 1. Call to order** – Council Member roll call (Quorum = 12) (1 minute)
- 2. Pledge of Allegiance** (1 minute)
- 3. Approval of Minutes, of July 24, 2013 (motion)**
- 4. Approval of tonight’s Draft Agenda**
 - changes or additions
- 5. Photography of Board Members** – *Robin Greenberg*
- 6. Public Comments** – (15 minutes – 3 minutes per speaker)
- 7. (Agendas, brochures, & public service handouts available on piano in front)**
- 8. President’s Report** – *Gary Plotkin*
 - a. Welcome and confirm appointment of *Michael Kemp* as Board Member representing the RVA
 - b. Welcome *Vincent (Vini) Fabrocini* as guest and Potential Board Member representing the Commercial Stakeholders
 - c. Discussion & Possible Motion to support Motion of the Pacific Palisades Community RE Draft Murals Ordinance (Council File No. 11-0923) submitted by the City Attorney on June 17, 2013 (*Robin Greenberg*) (See Exhibit “A”)
 - d. Discussion and Possible Motion to reconsider Transit Motion involving the Sepulveda Pass Transit Corridor (*Ramin Kolahi*) (See Exhibit “B”)
 - e. Reinstatement of Ad hoc 405 Traffic Committee & approval of *Irene Sandler* as its Chair
 - f. Status on September 1st Deadline for Board Membership Roster (based upon Completion of Ethics Exam & 20-Minute Online Funding Training & Submission of NC Registration form

to Empowerment). Please cc NC Reg. form to Cathy if you haven't already done so, so she can submit Roster before 09/01. *(Draft roster will be circulated at meeting for verification.)*

- g. Ordering business cards if yours are outdated with BABCNC email address, office # & your cell number. *(Cathy)*
 - h. Update on status of Fire Safety Signs *(Andre Stojka)*
 - i. Board Retreat and motion to confirm *Don Loze* as Chair.
 - j. Holiday Party and need for Chair.
 - k. Discussion on Sites for monthly Board & Committee meetings.
 - l. Consider 9 Proposed Motions by the NC Plan Review Committee now before the before the Board of Neighborhood Commissioners, (see Exhibit "C")
 - m. Operation NC Blitz (prioritize small asphalt repairs within NC boundaries) – *(Andre Stojka)*
 - n. Report on status of digital signs/outdoor advertising & adoption of letter sent to City of LA. by *Westwood South of Santa Monica Blvd. HOA* (See Exhibit "D") *(Irene Sandler)*
 - o. Update on BSL LED Conversion Program – *(Travis Longcore, Ph.D.)* (motion)
 - p. Report of IBEW-DWP issue for debate; consider making motion (See Exhibit "E") *(Don Loze)*
 - q. Motion to elect *Robin Greenberg* as BABCNC representative to *WRAC*.
 - r. Motion to have our webmaster, *Aaron DeVandry*, supervise Mail Chimp mailings.
- 9. Treasurer Report** – Alan Fine (10 minutes)
- Update and approval of Treasurers Report (motion)
 - Approval of Strategic Plan, Outreach Survey & Board roster to be submitted to DONE
- 10. Planning and Land Use Committee (PLU)** – *Ramin Kolahi*
- Report on PLU July 9th & August 13th meetings
- 11. Public Safety/Disaster Preparedness Committee** – *Chuck Maginnis* (10 minutes)
- Senior Lead Officer 8A29 - *Chris Ragsdale*, WLA Community Police Station
 - Senior Lead Officer - *Ralph Sanchez*, Hollywood Community Police Station
 - Report on August 20th PS/DP Committee Meeting held at the Getty Center
 - Update on Emergency Notification/Testing
- 12. West Los Angeles Regional Alliance of Councils (WRAC)** – *Robin Greenberg* (5 minutes)
- 2 motions to DWP Board of Commissioners (See Exhibit "F") -
Special Speaker, *Dr. Jim Enstrom*
 - WRAC motion on billboards – *Robin Greenberg*
- 13. Outreach Committee Report** – *Robin Greenberg*
- 14. Bylaws & Rules Committee Report** – *Larry Leisten*
- Larry will give update
- 15. Council District 5 Report** – Field Deputy *Jeff Ebenstein* & Planning Deputy *Noah Muhlstein* (5 minutes)
- 16. Council District 4 Report** - Field Deputy & Deputy of Housing and Transportation - *Sharon Shapiro* (5 minutes)

- 17. Traffic Committee Report & Police Advisory Board Report – *Robert A. Ringler***
Next LAPD West Bureau Traffic Committee: Wednesday September 11, 2013, 8:30 a.m.
at the West Los Angeles Community Police Station, 1663 Butler Avenue.
- 18. Ad hoc 405 Traffic Committee & report of last general meeting 8/15/2013 - *Irene Sandler***
- 19. Private and Public Schools News (1 minute)**
- 20. New Business/General Announcements (1 minute)**
- 21. Motion to Adjourn Meeting**

NEXT BABCNC MEETING: September 25, 2013

PPCC Motion re Murals Ordinance (passed 08-08-2013)

Re CF 11-0923

In regard to Versions A and B of the draft murals ordinance submitted by the Los Angeles City Attorney on 6-17-2013, Pacific Palisades Community Council (PPCC) takes the following positions:

I. SUPPORT Version B on the Condition that the Seven (7) Revisions Set Forth Below are Incorporated:

1. Murals shall be clearly prohibited in all residential zones on all dwellings, including but not limited to single family homes and apartment buildings, except that in all residential zones murals that are not visible from the public-right-of-way or from neighboring properties shall be permitted.
2. Communities that wish to allow murals in residential zones shall be required to apply for permission to allow murals in such zones, using currently available Planning processes; *or* via a less time-consuming “streamlined” process to be developed and set forth pursuant to the ordinance.
3. Existing murals shall be clearly grandfathered.
4. “Digitally printed images” shall be prohibited and/or not included within the definition of “Original Art Mural.” If included, the term “digitally printed images” shall be defined with greater clarity; any definition shall specifically exclude images which extend around corners and cover more than one exterior wall (commonly known as "building wraps") in all residential zones.
5. The “Neighborhood Involvement Requirement” (Sec. 22.119 (b)(3)) shall set forth key administrative rules relative to notice and procedures for holding the required community meeting, including without limitation a requirement that the applicant shall confer in advance with the applicable Neighborhood and/or Community Council to arrange an acceptable time, at a regularly scheduled meeting of such Council, for the required community review and comment on the proposed mural, and that the applicant shall be responsible for required mailing and posting of notice on-site at least 45 days prior to the meeting. “Community Councils” shall be expressly added, along with Neighborhood Councils and Business Improvement Districts, as entities entitled to receive notice.
6. The term “commercial message” shall be defined with greater clarity; specifically, the following language shall replace the definition of “Original Art Mural” (Section I): “A one-of-a-kind, hand-painted, hand-tiled [or digitally printed, *if this language is retained*] image on the exterior wall of a building that does not function as or contain any commercial message and for which nothing of value has been given to the owner or person in control of the building in exchange

for permission to use the building for the image or to the artist in exchange for including the image any specific products or goods produced for sale or purchase (commonly known as “product placement”). For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.”

7. Specific enforcement procedures and funding sources for enforcement shall be provided.

II. OPPOSE Version A; if Version A is Adopted Instead of Version B, PPCC Urges the Following Nine (9) Revisions:

1. In all residential zones, murals shall be limited to areas that are not visible from the public-right-of-way or neighboring properties.
2. In all residential zones, direct illumination of murals on dwellings shall not be permitted; indirect or incidental illumination of any murals resulting from otherwise permitted landscape lighting shall be allowed.
3. In all residential zones, murals on dwellings shall not exceed 18 feet from grade or one-story from grade in height, whichever is less, regardless of the actual structure height.
4. A less time-consuming “streamlined” process shall be developed and set forth pursuant to the ordinance, to allow any communities that wish to prohibit murals in residential zones to apply for such prohibition.
5. Existing murals shall be clearly grandfathered.
6. “Digitally printed images” shall be prohibited and/or not included within the definition of “Original Art Mural.” If included, the term “digitally printed images” shall be defined with greater clarity; any definition shall specifically exclude images which extend around corners and cover more than one exterior wall (commonly known as "building wraps") in all residential zones.
7. The “Neighborhood Involvement Requirement” (Sec. 22.119(b)(3)) shall set forth key administrative rules relative to notice and procedures for holding the required community meeting, including without limitation a requirement that the applicant shall confer in advance with the applicable Neighborhood and/or Community Council to arrange an acceptable time, at a regularly scheduled meeting of such Council, for the required community review and comment on the proposed mural, and that the applicant shall be responsible for required mailing and posting of notice on-site at least 45 days prior to the meeting. “Community Councils” shall be expressly added, along with Neighborhood Councils and Business Improvement Districts, as entities entitled to receive notice. Further, in all

residential zones: 1) the applicant shall also be required to mail notice of the community meeting to all owners and/or residents of properties located adjacent to and across-the-street from the location of the proposed mural; and 2) these requirements shall not be deemed “procedural only” and no action shall be taken by the City on any permit application pursuant to this section unless and until all requirements of Sec. 22.119(b)(3) are met.

8. The term “commercial message” shall be defined with greater clarity; specifically, the following language shall replace the definition of “Original Art Mural” (Section I): “A one-of-a-kind, hand-painted, hand-tiled [or digitally printed, *if this language is retained*] image on the exterior wall of a building that does not function as or contain any commercial message and for which nothing of value has been given to the owner or person in control of the building in exchange for permission to use the building for the image or to the artist in exchange for including the image any specific products or goods produced for sale or purchase (commonly known as “product placement”). For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.”
9. Specific enforcement procedures and funding sources for enforcement shall be provided.

BABCNC Proposed Transit Motion

Whereas, Los Angeles County Metropolitan Transportation Agency (MTA) has approved the Sepulveda Pass Transit Corridor in its 2009 Long Range Transportation Plan (LRTP).

Whereas, the section of the I-405 that the Sepulveda Pass Transit Corridor is one of the most congested segments in Los Angeles County, affecting the ability of taxpayers to commute to and from work as well as the movement of goods and services for the greater Los Angeles area,

Whereas, the I-405 Carpool Lane Project is expected to cost taxpayers over \$1.5B with limited ease in traffic congestion,

Whereas, the Sepulveda Pass Transit Corridor is slated to be the very last project to be completed under the LRTP placing its timeline in late 2030,

Whereas, the MTA proposes a bus lane for the Sepulveda Pass that will have limited carrying capacity,

Whereas, the existing traffic on the I-405 already dramatically impacts the communities in the Bel Air Beverly Crest boundary,

Whereas, the expected traffic growth, inclusive of any easing expected under the I-405 Carpool Lane Project, is expected to dramatically increase the impact to our community through 2030 (the expected completion date).

The Bel Air Beverly Crest Neighborhood Council request that the MTA strongly consider the following:

1. Rather than plan a rapid bus connector in the Sepulveda Pass Corridor, seriously plan a light or heavy rail transit segment in this heavily trafficked segment of Los Angeles County,
2. Prioritize the expenditure plan for the Sepulveda Pass Corridor ahead of other planned projects to help ease the significant health and safety impacts caused by traffic on our residential streets as well as allow San Fernando Valley and West Los Angeles communities to have the infrastructure to attract companies in their areas who otherwise do not relocate to those areas due to serious concerns of the ability of employees and customers to reach their businesses.

Although BABCNC understands MTA's goal to expand the transit network and connect more of the County together, this critical link of the I-405 has not only been pushed down in priority but any expenditures will have minimal to no impact on easing current or curbing future traffic.

BABCNC also requests MTA to send representatives to attend our Board meetings to answer questions why this corridor has been assigned such a low priority as well as a transit system that will likely have minimal impact on traffic (Rapid Transit).

Exhibit "B"

Visit <https://www.surveymonkey.com/s/9motions> to weigh in individually through a survey, or consider the motions collectively as a Neighborhood Council board or committee and forward your resolutions to NCPlan@empowerla.org. Thank you.

1) Introduction

Welcome!

This survey has been created to provide you with an opportunity to weigh in on a number of current Neighborhood Council policy issues. Your time and attention is valuable and greatly appreciated.

Over the last half year, Neighborhood Council Plan Review committees have been carefully considering many of the laws which govern the Neighborhood Council system. A number of their recommendations have now gone before the Board of Neighborhood Commissioners. Before voting on the recommendations, the Commission would like your input. By filling out this survey, you will be providing the Commission with valuable insight.

The committees have proposed motions to amend the City's Administrative Code which touch upon numerous topics and would ultimately require City Council action. In some cases, the changes (or reaffirmation of current policy) can be effectuated at the Commission or Department level.

The nine topics that you'll see addressed in the motions presented in this survey include:

- NC subdivision/boundary adjustment policies
- Grievances and complaints policies and procedures
- Rules for governing board selections
- Election policies and procedures; term limits
- Brown Act and posting policies
- NCs and rule formulation; appointments of General Manager, Board of Neighborhood Commissioners
- Creating and maintaining information and communication network for public use
- Duties of the Board of Neighborhood Commissioners
- Exhaustive efforts process

If you would like to view the worksheets and related documents that the NC Plan Review committees used as they deliberated on these issues, you can do so at www.empowerla.org/ncplan. You can also leave comments on the webpage.

Thank you for taking the time to complete this survey. Your input is valuable to the Commission and to the Neighborhood Council system.

EXHIBIT "C"

2) Neighborhood Council subdivision/boundary adjustment policies

Motion recommends that:

“A new Neighborhood Council may be created from within the boundaries of an existing Neighborhood Council by the following process:

- a. The subdividing group shall undertake the process for Neighborhood Council formation as already described for new councils.
- b. The Department of Neighborhood Empowerment shall set an election to take up the question within 90 days of verifying all paperwork is complete.
- c. A majority of the votes cast by stakeholders of the entire original Neighborhood Council shall be required to complete the separation and create a new council.
- d. If an area leaves a Neighborhood Council, the original council should simply be required to adjust its boundaries and board structure and not recertify.
- e. If an area moves between two existing Neighborhood Councils, neither should be required to recertify.”

3) Grievances and complaints policies and procedures

Motion recommends that:

- a. “The grievance procedure and the complaint process be merged into one system; that the Department of Neighborhood Empowerment (Department) establish a single set of procedures with a regional grievance panel empowered to render a final decision on a grievance without further right of appeal, which shall be based on the grievance policy recommendations already made by the Department as reflected in its report dated November 22, 2011, and contained in Council File Number 11-1018.”

*(*see note at end of document)*

4) Rules for governing board selections

Motion recommends that:

- a. “The Department of Neighborhood Empowerment look at establishing rules and guidelines for Board selections so that they are more uniform and more open to the public.”

*(**see note at end of document)*

5) Election policies and procedures; term limits

Motion recommends that:

- a. "Reaffirm support for the authority having been returned to the Department of Neighborhood Empowerment to conduct Neighborhood Council board elections and to partner with the City Clerk for back office administrative services.
- b. All Neighborhood Councils need to participate in elections or selections at least every two year cycle.
- c. Existing Neighborhood Council boards are encouraged to partner with other Neighborhood Councils and with the Department of Neighborhood Empowerment for candidate recruitment and election outreach.
- d. The City of Los Angeles should not require Neighborhood Councils to impose term limits. It should be left to each Neighborhood Council's discretion.
- e. There shall be participatory involvement of Neighborhood Councils in reviewing election policies and procedures prior to Neighborhood Council elections."

6) Brown Act and posting policies

Motion recommends that:

- a. "Reaffirm support for the Brown Act for Neighborhood Councils and its single accessible 24 hour posting requirement, and reaffirm current board policies regarding electronic mail and website posting, with only one physical posting site as opposed to many. The email requirement shall specify that agendas be sent to "NCSupport" with the intent that the Department will post them to the city's agenda system.
- b. Neighborhood Councils that do not have a website must post in at least five (5) physical locations."

7) NCs and rule formulation; appointments of GM, Board of Neighborhood Commissioners

Motion recommends that:

- a. "Neighborhood Councils should have a greater role in the formulation of rules and regulations as promulgated by the Department and shall continue to have an advisory role in the appointment of the Department General Manager and the members of the Board of Neighborhood Commissioners."

8) Creating and maintaining information and communication network for public use

Duties of the Department in Sec 22.801(j) currently states that “[The Department shall] with the assistance of the Information Technology Agency, create and maintain an internal and external information and communication network, including a Citywide database of neighborhood organizations and similar information, that would be available for public use;”

Proposed motion to adopt the recommendations of the NC Plan Review Committees that Sec 22.801(j) of the Administrative Code be amended as follows:

“with the assistance of the Information Technology Agency, create and maintain an internal and external information and communication network that would be available for public use to:

- a. Provide organized access to all current rules, regulations, and election/selection/voting and any other procedures adopted by the Department of Neighborhood Empowerment.
- b. Provide organized access to all historic rules, regulations, and election/selection/voting and any other procedures adopted by the Department of Neighborhood Empowerment that are no longer in force.
- c. Provide organized access to all current legal opinions by the City Attorney on matters relating to the Department of Neighborhood Empowerment, Board of Neighborhood Commissioners, Department rules or regulations, and Department procedures for elections/selections/voting and any other matter.
- d. Provide organized access to all historic legal opinions by the City Attorney on matters relating to the Department of Neighborhood Empowerment, Board of Neighborhood Commissioners, department rules or regulations, and department procedures for elections/selections/voting and any other matter that are no longer in force.
- e. Provide a Citywide database of existing neighborhood organizations and similar information, sortable by areas and individual Neighborhood Councils.”

9) Duties of the Board of Neighborhood Commissioners

Motion recommends that:

- a. “The Board of Neighborhood Commissioners be given more power to enforce its policies.”

*(***see note at end of document)*

10) Exhaustive efforts process

Motion recommends that:

- a. "As part of exhaustive efforts the Department shall be able to recommend to the Board of Neighborhood Commissioners that the board of a neighborhood council be removed prior to having to recommend involuntary decertification."

*(***see note at end of document)*

*(****see note at end of document)*

NOTES

*Note: A further elaboration of the Department's grievance policy recommendations are included in the flowchart found on page 13 of the document located at <http://empowerla.org/wp-content/uploads/2013/05/NCPlan-All-worksheet-session3.pdf>.

**Note: According to the City Charter, Neighborhood Councils can conduct either an "election or selection" of their governing boards. The majority of Neighborhood Councils conduct elections, while some conduct selections through open town hall-style meetings.

***Note: Regarding Item 9, as the policy making body for neighborhood councils the Board of Neighborhood Commissioners is asking for your thoughts and your advice on what authority they might request in order to be able to enforce the policies they adopt.

****Note: Item 10 was not brought before the Commission at its June 27th meeting, but will be introduced at a subsequent meeting. In the meantime, you are requested to also weigh in on the issue as it is one of the recommendations from the NC Plan Review Committees.

*****Note: Currently, if all exhaustive efforts have been unsuccessful in helping a Neighborhood Council that is struggling to function, the final recourse for the Department is to recommend to the Board of Neighborhood Commissioners that the Neighborhood Council be decertified. If a decertification occurs, the neighborhood will cease to have a Neighborhood Council until a new certification process has occurred, which can entail multiple months or years. This recommendation by the NC Plan Review Committees seeks to provide an alternate tool for the Department and Board short of decertifying the Neighborhood Council.

August 7, 2013

Mayor Eric Garcetti
City of Los Angeles
200 North Spring Street, Room 303
Los Angeles, CA 90025
mayor.garcetti@lacity.org

City Council President Herb Wesson
Honorable City Council Members
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012
councilmember.wesson@lacity.org

City Attorney Mike Feuer
Los Angeles City Attorney's Office
200 North Main Street, Room 800, MS 140
Los Angeles, CA 90012
mike.feuer@lacity.org

Re: Digital Billboards In Los Angeles

Dear Mayor Garcetti, Council President Wesson and Council Members, and City Attorney Feuer:

The undersigned Homeowners' Associations are in receipt of a copy of a letter dated August 5, 2013 from counsel for Summit Media LLC addressed to all of you regarding digital billboards in Los Angeles, a matter of great importance to our communities. We write to echo many of the concerns and issues addressed in Summit's letter.

In particular, we, too, are extremely concerned that there has been no indication that the City will require CBS Outdoor and Clear Channel Outdoor to remove the illegal digital billboard structures they unlawfully erected after striking an *ultra vires* Settlement Agreement with the City, nor has there been any indication that the City will remove them itself. Furthermore, we understand that CBS and Clear Channel continue to pursue meetings with the City in a relentless effort to obtain special interest legislation that would allow for the existing illegal digital billboards to remain, and for more digital billboards to be erected. We vigorously oppose the City entertaining any such efforts by CBS and Clear Channel given the history of this matter and the California Court of Appeals' recent ruling in *Summit Media LLC v. City of Los Angeles*. We, too, will continue to expose and oppose any backroom deals or special interest legislation that again seek to confer benefits on CBS and Clear Channel (or any other entity) at the expense of our residents and our precious visual landscape.

Exhibit "D"

Finally, we remind you that we collectively represent more than ____ homeowners on the West side of Los Angeles, and we are part of a larger coalition of homeowners' associations, neighborhood councils and community groups across the City who have stood united in opposition to the secret billboard settlement agreements and the illegal digital signs that they allowed in our communities. Moreover, although the vast majority of the 105 illegal digital billboards erected pursuant to the *ultra vires* Settlement Agreement were in our neighborhoods, there is no doubt that if installation of illegal digital billboards had continued into other communities in the City, those communities would have joined with us in opposition. Therefore, our collective resolve to ensure that the decision in *Summit Media* is fully honored and followed by the City should not be underestimated. We are steadfastly committed to preserving the integrity and visual landscape of our communities, and we fully expect that the City's actions in this matter going forward will be for the benefit of its citizens, not special interests.

Sincerely,

Westwood South of Santa Monica Boulevard
Homeowners' Association

Barbara Broide
President

[Other signature lines for other HOAs]

Email list:

mayor.garcetti@lacity.org
councilmember.wesson@lacity.org
mike.feuer@lacity.org
councilmember.cedillo@lacity.org
councilmember.krekorian@lacity.org
councilmember.blumenfield@lacity.org
councilmember.Labonge@lacity.org
paul.koretz@lacity.org
councilmember.fuentes@lacity.org
councilmember.parks@lacity.org
councilmember.price@lacity.org
councilmember.bonin@lacity.org
councilmember.englander@lacity.org
councilmember.ofarrell@lacity.org
councilmember.huizar@lacity.org
councildistrict15@lacity.org

WSSM = 3800 homeowners
WHA = 2500 homeowners
Comstock = _____ homeowners
Others?

Re: IBEW-DWP Proposal - essential documents

Dear NC colleagues....

Here is as much information as ANYONE has on Brian D'Arcy's proposal to the City. (Only the principles to the Management-Labor negotiations have the actual proposal document.)

Even the Mayor's Office and the Council Members who will meet this Friday, August 16 @ 10:00 a.m., don't have anything more. It involves comparisons of City and DWP Employee Compensations and central concepts of City and DWP Pension funding. The two sides have opposing views on the costs to DWP Rate Payers. CF #13-1004 S1 seems to come from a threat of a strike from the Union.

Has your NC had the chance to consider and speak out on this issue, yet?

These issues will have a major but tightly compacted set of meetings in City Hall COUNCIL CHAMBERS, on Friday, August 16th @ 10 am. Representatives of the Mayor, CAO, CLA, Rate Payers Advocate, DWP and IBEW 18 will all be there. You, can be there, too, to give your opinion ("Public Comment") or you watch on Council Line (Council Phone) or Channel 35 to keep up with all of this.

We, all, need to slow down this process, get more information out to the Public (NCs) and get more feedback to the Mayor and Council.

Daniel Wiseman

COUNCIL FILE: #13-1004 & #13-1004 S1
TITLE: DWP-IBEW18 EMPLOYEE CONTRACT PROPOSAL

Material Compiled by: Daniel Wiseman
on
August 14, 2013

This Council File Report is a gathering of available "primary" documents on these CFs.

The IBEW 18 Union (Brian D'Arcy, CEO) has proposed modifications of the existing contract to continue in force for the next 4 years and an immediate settlement of the Romero vs. City of Los Angeles (Superior Court Case No. BC449834). The specific proposal document, itself, being a Labor-Management negotiation, is not readily available, but its components have been made public from these documents and several other sources (News Media, NC deliberations, etc.)

Exhibit "E"

PRIMARY DOCUMENTS

1. Energy & Environment Committee and Budget and Finance Committee, Special Joint Meeting, and Special Meeting of the **CITY COUNCIL, AGENDAS, Friday, August 16, 2013.**
2. Council File #1004
3. Council File #1004 S1
4. City Legislative Analysts' Report, August 9, 2013
5. Comment from the Public in the CF #1004 File (Jack Humphreville)
6. Community Impact Statement from West Hills NC, May 1, 2013

Direct visits and telephone calls to obtain supplemental information from the Mayor's Office, from Council Member Paul Krekorian's Office, from Council Member Nury Martinez' Office, from the CAO and the CLA have yielded no more documents, so far.

SEARCH

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Tip for New Mayor G: Keep the DWP Management, Fire the DWP Board, Muzzle the City Council

Details Written by Jack Humphreville
16 Jul 2013



Font Size



LA WATCHDOG - When Mayor Eric Garcetti discussed having all of the General Managers of the City's departments reapply for their jobs, he said he would "look particularly hard at the leadership of the Department of Water and Power."

But the controversy surrounding DWP is not the fault of General Manager Ron Nichols or his management team who have done an excellent job over the last thirty months developing a relationship with the cantankerous Ratepayers, the City Council, the general public, and the ever important rating agencies.

Over the last two years, Nichols and his team have increased water and power rates without generating furious opposition which was the case in 2005 with the proposed 18% increase in water rates and in 2008 with the 15% and 22% increases in water and power rates. Nor did we experience another controversy like the "ECAF Fiasco" in the spring of 2010 when David Freeman and Raman Raj lied to the City Council. However, this stunt led to the creation of the Ratepayers Advocate that was approved by 78% of the voters in March of 2011.

Rather than trying to jam rate increases down the throats of Ratepayers, Nichols and his management team spent inordinate amounts of time educating the Ratepayers why rates needed to be increased, providing us with detailed operating and financial information and, at the same time, earning our trust.

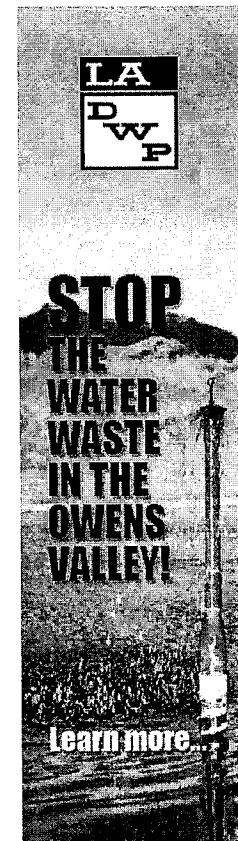
DWP even separated the water rate increase from the bump in power rates, where the water increase was a onetime shot needed to finance capital expenditures required by the Clean Water Act. The power rate increase was limited to two years, in part based on the recommendation of the Ratepayers Advocate.

Furthermore, the morale at DWP has improved considerably now that Department employees have an accessible General Manager who knows the utility business and, unlike many of his predecessors, the difference between a kilowatt hour and a megawatt, an amp from an ohm, an acre foot from a HCF (our billing unit), and a balance sheet from an income statement.

DWP's problem is one of governance, starting with former Mayor Villaraigosa and his ever changing, not very well thought out, rush-rush priorities and his appointment of less than qualified commissioners who were a rubber stamp for his policies, refusing to protect the Ratepayers' wallets despite the advice of the Ratepayers Advocate regarding Feed in Tariffs and the early phase out of coal at the Intermountain Power Plant. This was compounded by the interfering members of the Herb Wesson led City Council who are more concerned about their pet projects and employment for their cronies to say nothing of the influence of campaign funding IBEW Union Bo\$\$ d'Arcy.

This lack of respect for the Ratepayers and their wallets is epitomized by the over \$1 billion* a year that City Hall and its cronies (including IBEW Union Bo\$\$ d'Arcy) extracted from DWP last year.

Ironically, the looting of DWP and the extreme distrust of IBEW Union Bo\$\$ d'Arcy and his attempt to buy City Hall



(as he did with Villaraigosa) resulted in Valley and moderate voters turning out for Eric on May 21, propelling him to a 34,000 vote victory.

Rather than sacking Nichols and creating a crisis with the Ratepayers, voters, the investment community, and the rating agencies, it is time for Eric to focus on the governance issues involving DWP and let the well qualified management operate the nation's largest municipal utility in an efficient and rational manner.

As a first step, Eric needs to appoint commissioners who have a demonstrated level of management, technical, and financial experience and expertise that that will allow them to understand and oversee the operation of this highly leveraged, \$25 billion utility with 9,000 employees, \$5 billion in revenues, and a \$12 billion capital expenditure program over the next five years.

At the same time, management, the new commissioners, the City Council, and Eric need to recognize that the Ratepayers are not made of money. This would involve calling a halt to all pet projects, reducing the legally questionable 8% Transfer fee/tax, and creating a process that would eliminate the indiscriminate interference by the City Hall meddlers in the affairs of DWP.

The Board of Commissioners would also be instructed to seriously consider the views of the Ratepayers Advocate, such as those relating to the \$300 million overpayment for Feed in Tariffs and the \$500 million cost to eliminate coal at the Intermountain Power Plant two years earlier than required.

For example, if the above market subsidies for Feed in Tariffs were eliminated, for the same amount of money, we would have twice the amount of solar power and create twice as many jobs, much to the chagrin of the solar lobby, real estate developers, and financial engineers.

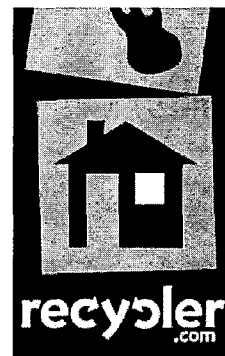
Finally, and to help gain the trust and confidence of the Ratepayers and the voters, all labor negotiations must be conducted in an open and transparent manner, not behind closed doors, where the Ratepayers Advocate, Ratepayers, and voters are given ample time to review and analyze any new labor agreements.

DWP is an excellent opportunity for Eric to reward the Ratepayers for their support, to recognize the excellent work of Ron Nichols and his management team, and to create a more efficient, goal oriented operation that will better serve all the citizens of Los Angeles.

Eric, don't blow this precious opportunity.

(The over \$1 billion rip off consists of the legally questionable \$250 million transfer fee/tax from the Power System to City's General Fund; the \$300 million from the 10% City Utility Tax; the \$250 million IBEW Labor Premium (not including the impact of restrictive work rules); pet projects such as Griffith and Elysian Parks and the Silver Lake Reservoir; and the dumping of surplus City employees (and their unfunded pension liabilities) on DWP.)*

(Jack Humphreville writes LA Watchdog for CityWatch. He is the President of the DWP Advocacy Committee, the Ratepayer Advocate for the Greater Wilshire Neighborhood Council, and a Neighborhood Council Budget Advocate. Humphreville is the publisher of the Recycler Classifieds -- www.recycler.com. He can be reached at: Iajack@gmail.com. Hear Jack every Tuesday morning at 6:20 on McIntyre in the Morning, KABC Radio 790.)
-cw



08/28/2013

2 WRAC Motions that were previously deferred - *Robin Greenberg*

1) Keep Ron Nichols as General Manager of DWP (see attached article)

2) To end an additional amount above and beyond the \$1.2 Billion spent on water (20% of our water bills) to mitigate the Owens Lake Dust Control Project which measures 6' above the level of the lake. A lawsuit is pending. 4 million Los Angeles residents are paying to mitigate dust for a handful of people in the Owens Valley.

(Guest Speaker, Dr. Jim Enstrom will be present at the Board meeting to address this motion.)

(The third item that was deferred during the July Board meeting was previously passed, according to Steve Twining.)

Exhibit "F"