Bel Air-Beverly Crest Neighborhood Council "Special" Board Meeting (Virtual)
Wednesday November 30, 2022, 7:00 P.M.

MINUTES

NAME	BOARD SEAT	Present	Absent
Barondes, Asher	At-Large Youth Rep (2023)		X
Bayliss, Shawn	Commercial or Office (2023)	X	
Cobb, Bradford	North of Sunset District (2023)	X	
Evans, Ellen	Community Interest At-Large (2023)	X	
Garfield, DDS Robert	Casiano Estates Association	X	
Goodman, M.D., Mark	Bel-Air District (2023)		X
Greenberg, Robin	Faith-Based Institutions (2023) *(06-22-2022)*	X	
Hall, Jamie	Laurel Canyon Association		X
Holmes, Ph.D. Kristie	Public Educational Institutions (2023)		X
Kadin, David Scott	Benedict Canyon Association		X
Kwan, Robert (Bobby)	Laurel Canyon Association		X
Levotman, Vadim	Doheny-Sunset Plaza Neighborhood Assn.	X	
Longcore, Ph.D. Travis	Custodian of Open Space (2023)	X	
Loze, Donald	Benedict Canyon Association		X
Mann, Mindy Rothstein	At-Large Traditional Stakeholder (2023)	X	
Miner, Nickie	Benedict Canyon Association	X	
Murphy, Patricia	North of Sunset District (2023)		X
Paden, Andrew	Bel Air Hills Association	X	
Palmer, Dan	Residents of Beverly Glen		X
Prothro, Steven	Private K-6 Schools (2023)		X
Ringler, Robert	Residents of Beverly Glen (excused)		X
Sandler, Irene	Bel Air Crest Master Association	X	
Savage, Stephanie	Laurel Canyon Association	X	
Schlesinger, Robert	Benedict Canyon Association	X	
Spradlin, Jason	Holmby Hills HOA (excused)		X
Sroloff, Gail	At-Large Traditional Stakeholder (2023)	X	
Steele, Timothy	Bel Air Glen District (2023)	X	
Stojka, André	Bel Air Ridge HOA	X	
Tanner, Blair	Bel-Air Association		X
Templeton, Patricia	Bel Air Hills Association	X	
Wayne, Cathy	Laurel Canyon Association	X	
Weinberg, Steven	Franklin-Coldwater District (2023)		X
Wimbish, Jon	Private 7-12 Schools (2023) (excused)		X
Total:		**18**	**15**

President Longcore shared preliminary information on the agenda, called the meeting to order at 7:06 P.M. and led the Pledge of Allegiance to the Flag. Secretary Miner called the roll and quorum was met.

1. The Agenda was **approved** as **moved** by Mann.
2. **General Public Comment:** Wendy Morris announced a meeting at LAX tomorrow of concern to CD5, noting that they are trying to get rid of our representation on the Citizen's Action Council at the Van Nuys Airport, which is illegal, and we need to stop it. Also, item #11 purports to change what is allowed in terms of helicopters for a 25-year term without having public input, which would leave us compromised with regard to helicopter traffic and helicopter taxis in the future. She asked that people register to speak for one minute and tell them CD5 is impacted from Van Nuys Airport and to not take them off.

Old Business

3. Municipal Lobbying Ordinance / Updates Council File 22-0560
Discussion & Possible Motion & CIS: Recommendations for updating the Municipal Lobbying Ordinance (MLO) have been made to the City Council from the Los Angeles Ethics Commission. The Board will review and discuss taking a position on these recommendations, which include amendments to the definitions, registration requirements, disclosure (including to Neighborhood Councils), exemptions, gifts, and enforcement. See proposed motion and notes (**Attachment A**).

Dr. Steele introduced this item, noting that the remarks in Attachment A are the reflection of the working group (*made up of himself, Stephanie Savage and Travis Longcore)* trying to be the conscientious laity on these proposed updates. He noted that this seems sensible and a long overdue update of the MLO. It covers a lot of ground and he noted that the working group tried to summarize a lot of it in the notes.

Some of Dr. Steele's comments included that of particular matters concerning the NCs, which didn't exist when the lobbying ordinance was adopted in 1994, the principal one involves making sure lobbyists announce their presence when they address NC meetings, particularly hybrid and virtual meetings. Other more substantive changes concern how to classify a lobbyist from how much time they spend to how much money they make on their activity, to bring under one umbrella all types of entities, in particular, "Major Filers" are brought in as a fourth lobbying group that will be covered by the updates.

[Shawn Bayliss interjected that he needed to recuse himself from this item. President Longcore demoted him from panelist to attendee and apologized for not having asked for recusals at the start of the item.]

Dr. Steele noted that the recommended updates to the MLO also specify that lobbyists should identify themselves at City Council meetings and other City meetings when they are virtual. He noted that the updates suggest that for charitable nonprofits, that an exemption be made for those who don't have gross receipts of greater than two million dollars a year, which others say that seem to be too high and to bring that down to $200,000 in gross receipts in accordance with State income tax forms which make the dividing line there… for those that had less than $200,000 in gross receipts fill out the 990-EZ Form. Talking this over, the working group thought $500,000 would be a more reasonable figure and would suggest this.

He noted that a larger matter is related to the whole issue of lobbying that is that much lobbying is done now through LLCs and related organizations and it is hard to track the money. The working group was a little concerned looking at these updates that they didn't seem to focus as sharply as they might to make sure that when LLCs were lobbying that they identified who their principals were… the individual behind supplying money for them, and this would be a step in the right direction, though he noted that it is hard to track the money once these companies start transferring money back and forth between each other.

He noted that the group thought about this in detail and thinks the three of them felt it was basically a good thing… and that it will probably come up before City Council soon, and in the current sad climate of municipal scandal, will likely get a serious hearing that earlier attempts did not.

Public Comment: **Jamie York** commended us on the well-written CIS, the thoughtfulness, and liked the part on LLCs. She made the strenuous argument, that $500,000 is still too high... If you go to $200,000 you still include about 60-65% of nonprofits that don't have to file… Her reason to see this lower is that certain lobbyists will exploit any loophole that is open and unless you go lower, you'll see work through nonprofits in an attempt to avoid registration. She noted that it has been the case with other groups, e.g., redistricting, where many nonprofits were advocating for things related to councilmembers that wanted certain things within redistricting. She thinks they can do that but that the public should be able to track those activities; their positions should be on paper and the public can look them up. She noted that we also saw with redistricting that many of those nonprofits later got lucrative contracts with the City and that the public should be able to follow the money, and if we go too high with that nonprofit exemption we risk losing that openness and transparency that the City needs. That is why she thinks the $200,000 San Francisco model is a reasonable compromise that doesn't overly impinge on nonprofits that are doing excellent work in our city but that still pushes us forward to transparency, and that if we can pass this, this would be the single biggest thing we could do outside of something like a charter-controlled ballot measure type thing in terms of bringing better transparency to the City. She noted when she started organizing NCs, she felt we would need all of us to even get a hearing but no movement happened outside of the motion from CM Raman but she is hopeful if there are enough of us standing together to say we need transparency that the City Council will hear us... She thanked this NC very much.

Motion to approve our CIS (Attachment "A") was **moved** by Member Steele and **seconded** by Member Stojka. Board discussion was held, beginning with Miner who felt that whatever can be done to plug loopholes is important and thanked the working group. Treasurer Levotman stated that limited liability does not have officers, instead they have members & managers. He thinks $500,000 is too high and $200,000 is too high and would amend this motion to $100,000. **Amendment**: To change limit recommended from $500,000 to $100,000 was **moved** by Levotman and **seconded** by Miner.

Extensive discussion was held with some comments including that from Member Templeton who noted that about 30 CISs say $200,000, and agrees with this to increase the chances that it gets done and because it is the right thing to do. Member Stojka's concern was that those individuals should not be able to hide the fact that they are representing anything but themselves; the problem is the integrity of what you are saying and he would have zero threshold. Member Templeton raised the issue of Major Filer that requires if you spend more than $5,000 in a calendar year, you'd have to register as a lobbyist. Dr. Longcore noted that we are currently talking about the proposed amendment to change from $500,000 to $100,000. Member Wayne raised the issue of other types of compensation and supported the zero threshold. Questions were asked and answered, with the help of Jamie York.

Dr. Steele pointed out that information on gifts is available, and Templeton noted that this is also in the definition. Member Stojka noted that he thinks we have to look at this from our own selfish point of view; that the only issue before us is us because we represent the public; that we have every right to believe that if anyone comes before us and espouses a position, it should be that person's position and not who they represents. He would be for zero on nonprofit exemption. At this point Dr. Longcore noted that we had "Team zero", "Team 100,000" and Templeton would like to have a "Team 200,000."

Amendment Re-Stated by Treasurer Levotman, which was considered seconded to change it from $500,000 to zero, which **passed** with **8 yeses** from Wayne, Evans, Stojka, Cobb, Sroloff, Greenberg, Levotman and Miner, with 1 abstention from Dr. Longcore; **6 voted in opposition:** Steele, Paden, Mann, Templeton, Schlesinger, Savage, and there were **2 abstentions** from Dr. Longcore & Dr. Garfield.
At this point, attention was returned to the main motion.

Some comments included concern by Member Mann of the internal issue of transparency among board members, that a person may have issues that we may not know it. Dr. Steele referenced Lobbying Disclosure, Section 48.11 and Member Savage related that the Ethics Commission lists information in their Public Data Portal, where you can search individuals, clients, or firms at

https://ethics.lacity.org/lobbyists/#publicdataportal (also click search bar for Lobbying Activity, Payments, Fundraising, Expenditures, Contributions, etc.) Member Schlesinger raised the question of how to differentiate between those who represent an owner and a nonprofit, citing real estate agencies that represent homeowners and residents when it comes to construction, etc.

Templeton raised the issue of the "Major Filer" concerned that this will entrap stakeholders and have a chilling effect where you have people doing something because they care about an issue and don't want to fill out quarterly reports. She gave an example of a group of people getting together, to raise $30-40,000, lobby the City on an ordinance, and noted that you wouldn't want to have them register as a lobbyist and do all the filing. Stojka thinks people should be able to do that when they're above-board. Templeton noted it is not the disclosure part.

Evans asked hypothetically if a group of people get together to hire a lobbyist, if the lobbyist is the one who has to file. Mann believes Jamie said unless you are being paid it is not the case. Templeton read the definition of a Major Filer. Longcore noted that if you hire a lobbyist to do the work you don't have to report it, but if you take out an advertisement targeted at the City Council, you do have to report it.

Templeton would that our letter include a section that says we are concerned about the chilling effect that this may have on grassroots organizations, loose groups of people that get together and spend money on an issue they are concerned about, volunteers, and we would ask the City to amend the ordinance so that those people would be exempted, tell them we are very concerned about it, captured by the Major Filer thing, and ask that they adjust that issue. Stojka **seconded**. This is to **amend the CIS** to express concern about the chilling effect on the major filer provisions on unincorporated grassroots associations and ask that the City consider that with any major revisions.

Discussion was held on the major filer section. Jamie York discussed "astroturfing," where people are paid to show up and make public comment on an issue, and opined that once that passes a certain threshold, that should be reportable but right now that is not an issue that is captured… examples would be an advertorial in the LA Times… Longcore added the example of hiring a bus and paying with T-shirts to get people to come to a meeting, to support your development or oppose your ordinance…

Templeton would want to know who they are and where the money is coming from but that the problem is the flip side, for a number of people paying $50; she is not worried about the disclosure part. She is worried about the chilling effect of having to fill out all these forms once you are tagged as a lobbying entity after spending more than $5,000, noting we are asking the City to find a solution so that a person writing a check from the $50 contributions is not going to have to file forms and track all contributions.

Per Jamie York's suggestion **Templeton amended her own motion** to ask them to amend the "Major Filer" so it is not about incurring expenses but about individual contributions… so that way you can have one person spending the money… so it is about the money they give not the one person who is acting as a point person who is the collector of the money in these non-incorporated groups, and this was **seconded** by Stojka, with **no objection** to Templeton amending her motion.

Member Evans noted that corporate interests will always have money to advocate for their positions and she doesn't think defining small dollars adding up to $5000 gets at the whole problem, which is the ability to raise enough money to fight the good fight against people with profit interests. There are situations where people you are trying to fight have deep pockets…, and it seems unfair to penalize even well-off groups of people who are trying to protect their quality of life to have this at all. Evans noted that it is not about disclosing but the filing all the paperwork.

Dr. Longcore noted that we have a motion and could state our concern about the effects on grassroots groups and ask that Major Filers be updated so it is contributions and *not* spending, though he doesn't think this gets completely to Evans' concern. Evans is fine with disclosing but not the filing as a lobbyist

– or file as Major Filers. Templeton clarified that Major Filers don't have to file as lobbyists but have to do all the things that lobbyists have to do, so it is like being a lobbyist and noted all the things the person would have to list (which she read aloud.)

Miner is concerned about muddying the waters and would address this current discussion separately, which Longcore and Templeton noted is already in the ordinance that the City Council may act on. Dr. Steele responded to both Templeton's motion and Miner's concern and Evans' good point, and noted it is hard to separate filing and disclosure because that there is an electronic filing system you need to use to file disclosure reports, and to use the system you have to register as a lobbyist, which puts you in a Catch 22. He thinks maybe we should put this to the side though it is a very interesting point.

Dr. Longcore noted that we have a motion about this issue of Major Filers that Dr. Steele suggested to go with the recommendation by Jamie to deal with contributions as opposed to expenditures that would be a trigger at $5,000. Longcore thinks that Evans isn't supportive of that because she sees a need for grassroots to be able to contribute more than $5000 in certain instances... being up against somebody with deep pockets and it would be onerous to have somebody going through an unincorporated association to have to register at $5000. He thinks that those are the positions on the floor now.

Evans **would like to make an amendment** that a reduced disclosure system be created for Major Filers. Templeton asked if we make a motion that we are concerned about the impact on loose grassroots organizations and list some possible solutions, not pick one for them as we don't know the repercussions of those possible solutions. Dr. Longcore noted that he thinks he understands and that Dr. Steele does as well the concern expressed here and senses that probably everybody agrees with what is being said about this concern in general and if we can interpret the motion to mean that we can express concern on the chilling effect on grassroots individuals and that that be addressed and that possible solutions would be focusing on contributions as opposed to expenditures or a reduced requirement for filing so that this isn't catching things that it shouldn't be.

Member Mann asked if we had already reduced the ceiling to zero, didn't it mean that they have to file regardless, to which Dr. Longcore noted that if you are a nonprofit and if the approach that the board has recommended is put in place and you spend more than $5000 on trying to influence City matters during the course of a year, if – then you have to file as a nonprofit. Asked further by Member Mann, he noted that there is no nonprofit exemption, meaning just like everybody else... Mann noted that she wanted to be sure that nonprofits or grassroots people are treated the same, to which Longcore responded that we are *not* saying that. Mann noted that that is the problem she is having. Dr. Longcore summarized what has been voted on, that nonprofits, if you make $10,000 in year and you spend $5,000 on lobbying you have to file; that is what the first vote said; but now what we are saying if an individual pays $5,000 we are not sure that they have to file.

Templeton noted that someone on the prevailing side could ask for reconsideration. Member Evans noted that she misunderstood the nonprofit thing. … if it is just $5,000 of lobbying expense she would like to reconsider on that. She was in the majority.

Dr. Longcore noted that we have a motion to amend the motion for the CIS; we can either vote on that and come back to the other thing or we can move to put Templeton's motion on the table and then make a motion to reconsider as somebody who was in the majority in the previous vote. Evans would do it when appropriate, to which Longcore suggested to wait & see if we can finish this language about major filers.

Following further board discussion, Dr. Longcore read language that might be added, based on what he heard here: **Motion to Add:** That "BABCNC is concerned about the impact that Major Filer provisions may have on grassroots public participation and recommend that the City consider modifications that ensure burdensome reporting requirements are not unnecessarily imposed." **Passed** by unanimous consent.

Motion to Reconsider the previous motion of the zero dollars for the exemption for nonprofits, was **moved** by Evans, who previously voted on the prevailing side. Levotman asked and Jamie York noted that 501c3s are the only place exemptions are considered. Based on that, Levotman was in opposition to reconsideration. Templeton was in support of reconsideration. A yes vote on reconsideration is we go back and consider the number. No means we stick with zero. Motion to reconsider **passed** by **9 yeses** from Templeton, Evans, Steele, Paden, Mann, Schlesinger, Greenberg, Cobb, and Savage. **6 noes** (against reconsideration) from Sandler, Wayne, Levotman, Miner, Stojka and Sroloff. (Member Wayne counted seven, however, that did not change the outcome.)

Motion: That the threshold for exempting nonprofits be **amended** to recommend $100,000 in annual receipts. M**oved** by Levotman and duly seconded, and **failed** by **5 yeses**: Sandler, Stojka, Greenberg, Levotman and Schlesinger. **6 noes**.

An amendment to change the threshold for nonprofit to $200,000 in annual receipts was **moved** by Templeton; **seconded** by Mann, **passed** by **10 yeses** from Mann, Savage, Paden, Evans, Schlesinger, Cobb, Templeton, Levotman, Sandler, and Garfield, **3 noes** from Miner, Steele and Stojka.

Main Motion as Amended passed by **12 yeses** from Evans, Cobb, Levotman, Stojka, Templeton, Steele, Sandler, Greenberg, Schlesinger, Paden, Mann and Savage; **0 noes**; **2 abstentions** from Member Wayne and President Longcore.

New Business

4. **Metro's Transportation Communication Network**
   Discussion & Possible Motion: To send a letter requesting that Metro defer a vote on this TCN program until adequate public comment has been provided.

   Metro's Final Environmental Impact Report (FEIR) was uploaded to their website on 11-15-22 and, without time for public comment, there is a consent calendar item on Metro's 12-01-22 Regular Board Meeting Agenda, Item #13.

[There were 17 members present at this time.]

President Longcore introduced this item, and the above **motion** was **moved** by Wayne; **seconded** by Secretary Miner. **Public Comment** from Jamie York in support of this motion, which was **approved** by all **17** present and voting.

Good of the Order: Dr. Longcore thanked those who attended and especially thanked Jamie York. Member Evans noted that DSPNA has their meeting Monday 6:00pm at Soho Works with City Attorney Elect Hydee Feldstein Soto. In closing, President Longcore thanked everyone for being here this evening, and Board members wished each other Merry Christmas and Happy Chanukah.

Meeting adjourned at approximately 9:10 P.M., with the next regular monthly board meeting TBD.