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May 2, 2010

CF12-0600
BUILDING & SAFETY
E. Pulst

**STATEMENT of J.H. McQUISTON on
BUILDING & SAFETY BUDGET**

Honorable Chairman and Members of the Committee:

This Department is **only one of two** whose name denotes "SAFETY". To provide "safety" the Department has a "separate" **CODE ENFORCEMENT arm**.

This arm is the City's "POLICEMAN" in more ways than one. And, in our Zoning Code section, it is **this arm and not the Planning Dept** which decides the lawfulness of uses on a parcel.

1. Efficiency and assumption of Risk

City's current practice is to collect a fee for "examining" plans for "safety" of construction. **This may have been appropriate in the distant past but not now.** The City does not "guarantee" after "inspection" that the constructed project will be "safe". Nor is the "inspection" ironclad and absolutely-reliable.

This Committee must ask the Department to amend its role, to insure that a project's risk is entirely on the developer, and it continues THROUGHOUT THE PROJECT's LIFETIME.

The developer assuming this risk will not need nor require Building and Safety's "unnecessary" detailed-review of its construction drawings. **I say as a State-licensed expert that such review does not insure that the plans are correct, and I say that the Plan Review is a substantial waste of City funds.**

The enforcement arm will be enough to fulfill the City's burden of area-safety. And, after-built safety issues are very easily spotted.

2. City liability under Alquist-Priolo State Law

This City overlies at least THREE MAJOR SEISMIC FAULTS capable of HUNDREDS OF BILLIONS of property damages and THOUSANDS of personal injuries herein.

Alquist-Priolo warns Cities to disseminate **NOTICES of DANGER**, not particularly to prevent development or use but to clearly advise denizens and visitors of their personal risk-assumptions. **Absent notice, the law requires the City to be liable for damages, even for those caused by an out-of-city event.**

Currently, the City is not publicizing per Alquist-Priolo requirement and is assuming liability therefor.

As a qualified expert on the seismic danger omnipresent, **I say that this Committee must require the Department to begin IMMEDIATELY a program which will deliver the required "notifications" and postings, removing the City's liability.** A major seismic event is expected to occur at any time soon.

An event in Parkfield, over 100 miles north, could obliterate major buildings in this City and wreck the City's economy. This Committee must not let this Department fail to issue the liability-warnings.

3. Use of Fees as "Taxes"

Articles 13 C and D of the State Constitution prohibit using "fees" for activity not directly-related to the delivery

of the "fee-service".

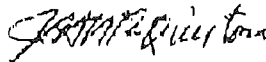
The Enterprise Funds are apparently being used for effort not specifically-required to fulfill the specific City service for which the specific amount of the fee was charged. Also, in Council and Committee hearings I have heard speakers say inappropriate words connected with Enterprise Fund uses.

I believe this Committee must demand that this and other Departments take a narrow interpretation of their Fund's legitimate uses. If they "borrow" from Funds,, there must be strict accounting of such "loans".

Fee funds are not to be used as a substitute for taxes. The Committee must require closer-inspection of uses, and overseers must question if the use is more-appropriately discharged otherwise, or if the the use is unnecessary by a shifting of duty or liability.

The above-suggestions arise because the City cannot continue to operate as before, with a shrinking staff and less income relative to increased costs. And, it is unfair and it is corruption to saddle a few developments with expenses having no direct relationship to them.

Respectfully submitted,



c: Interested parties

J. H. McQuiston



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May 2, 2012

CF12-0600
NEIGHBORHOOD
EMPOWERMENT
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STATEMENT of J.H. McQUISTON on
DEPARTMENT of NEIGHBORHOOD EMPOWERMENT BUDGET

Honorable Chairman and Members of the Committee:

You are aware that I regard Neighborhood Councils as the embodiment of Judge Bowron's "Good Government Commission" which in early 1930's was instrumental in stopping corruption in this City when its Charter was similar to the City's Charter that was adopted in 1999.

Neighborhood Councils are mandated to do only one thing: They "shall monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments".

It is clear in plain language of Charter Section 910 that they are not an arm of the City. They are outside the City government but they are a watchdog on the Executive, which in Charter §230 is the Mayor.

The Department of Neighborhood Empowerment delivers City services, so is subject to Neighborhood Council oversight therefor. The Department is not a neighborhood council.

1. The Department is budgeted to assist neighborhood councils. The Charter permits no internal control over neighborhood councils by the Department except for certification authority per Section 906.

The budget for the Department deletes no filled positions. It provides additional funds to the Department. In 12 years, the Department has had sufficient time to perform its "setup" duties as prescribed in the Charter. There is no reason to modify its budget as set forth in the Blue Book.

But Department funding should not be taken from Schedule 18, which is for the councils.

2. Funding for neighborhood councils is a matter separate from the Department's budget.

One important and major component of funding is to give the "watchdog" the ability to pursue an action against the City for good cause if necessary. However, in the 12 years no action has occurred. Funding was not used for that pursuit.

Another important component is to abide by Section 906(b)(4) which requires "communication with stakeholders on a regular basis." I am a stakeholder in three (3) domains of neighborhood councils and I get no communication from any of them. I have received no announcements regarding their elections.

The third major component is one-time funding for communication equipment. Except for two prospective additions to the system, all councils have serviceable equipment already.

History shows that neighborhood councils did not as a rule expend the entirety of their grants in the 12 years the system has been in force. Thus the grants proposed in the budget for FY 2012-13 appear to be more than adequate for neighborhood councils.

Respectfully submitted,