

Your Community Impact Statement has been successfully submitted to City Council and Committees.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at NCsupport@lacity.org.

This is an automated response, please do not reply to this email.

Contact Information

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The Board approved this CIS by a vote of: Yea(10) Nay(0) Abstain(1) Ineligible(0) Recusal(0)

Date of NC Board Action: 07/18/2022

Type of NC Board Action: Against

Impact Information

Date: 07/19/2022

Update to a Previous Input: Yes

Directed To: City Council and Committees

Council File Number: 11-1020-S3

Agenda Date: 07/18/2022

Item Number: X. F.

Summary: The Reseda Neighborhood Council opposes CF 11-1020-S3. This is our second CIS on the issue. Please read the attached pdf for our full statement. Our conclusions and recommendations are below: Conclusions and Recommendations Having thoroughly considered DONE's July 1st statement, as inappropriately invited to do by DONE, the Reseda Neighborhood Council maintains its original position. We remain against the motion as it currently stands. We suggest that DONE review the history of the Neighborhood Council Budget Advocates, the legal meaning of city entity, and the difference between "administrate" and "delegate," and revise its position.



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Reseda Neighborhood Council CIS#2 In Re: [11-1020-S3](#)

History

Proposal to change “Budget Advocates” to “budget advocacy”

In 2017, the City Council amended the Los Angeles Administrative Code to transfer administration of the Neighborhood Council Funding Program from the Department of Neighborhood Empowerment (DONE), to the City Clerk. However, administration of funds for “Budget Advocates” stayed with DONE.

The current motion in Council File 11-1020-S3 contemplates changing the language from “Budget Advocates” to “budget advocacy.”

Neighborhood Councils Take Positions Against and Against Unless Amended In a Community Impact Statement submitted June 21st, 2022, the Reseda Neighborhood Council (RNC) took its position against the motion, because:

“Neighborhood councils must have the explicit ability to direct funds to the specific organizations that we select. We ask that the City Council amend this motion to make this clear.”

Empower LA Requests Reconsideration in Light of Statement

On July 1st, 2022, Empower LA sent an email to the RNC with the subject: “EmpowerLA - Monthly Profile - Reseda”. Attached was a .pdf of the monthly report the RNC regularly receives from DONE, and translations in Spanish, Korean and Chinese.



On page 5 of the English .pdf, board members are directed to review a comprehensive statement from DONE regarding City Council File 11-1020-s3 and then *reconsider* any already submitted CISs in light of that statement.

Additionally, Neighborhood Empowerment Advocates (NEAs) have requested such reconsideration be undertaken by various NCs.

Reconsideration Request Legality

The RNC questions the appropriateness and legality of DONE directing NCs to change a position taken in our previous CIS. This is a role reversal from what the ordinary procedure should be, substituting DONE's voice for that of elected NC representatives and relegating NCs to the role of facilitating DONE's agenda. Had individuals employed by DONE made such a request, unofficially and not in the course of performing their duties, that would still be inappropriate. However, as it stands, DONE undertook to direct NCs both directly via email and through NEAs.

Reconsideration Provisionally Undertaken

Nonetheless, in an effort to forestay further deterioration of DONE-NC relations, the RNC placed the topic back on the agenda for reconsideration in light of DONE's statement.

DONE's Statement Summarized

There are two independent justifications for the language change from "Budget Advocates" to "budget advocacy" present in DONE's statement. 1) That the "Budget Advocates" language is a mere error. 2) That as a non-city entity, funds cannot be delegated to the Budget Advocates.

Justification 1 - The language was a mistake in the first place

DONE's statement alleges that the language adopted in 2017 by Ordinance 184835 into Los Angeles Administrative Code Sec. 5.517 (b) was simply erroneous.

When the special fund was originally created, the language used was that of "budget advocacy." The "Budget Advocates" language was adopted by "mistake." Thus this mistake needs to be corrected.

Rebuttal - The Language Was A Deliberate Carve Out

In 2017, Ordinance 184835 took control of almost all NC funds out of the hands of DONE and placed it with the City Clerk's office.

This change was in response to a crisis of faith in DONE's administration of funds. The inadequacy of DONE's administration made operation of individual NCs almost impossible. In support of taking administration out of the control of DONE, one contemporaneous NC CIS stated that however the City Clerk administered NC funding, it couldn't be any worse than how DONE had been doing.

Two entities were excepted from the fund control transfer and their funding administration



specifically retained by DONE under ordinance 184835, the Budget Advocates, and the Congress of Neighborhoods. The intent was that this extremely limited slice of funding would continue to be administered by DONE and no others. The term “budget advocacy,” not referring to a specific group or entity, is broader in scope than *both* “Budget Advocates” *and* the only other carve out specified - The Congress of Neighborhoods.

If there was a mistake, who is to say it was in using the more specific language in the ordinance, as opposed to bringing language elsewhere in line with the new intention to take special fund administrative power away from DONE?

Indeed, a careful review of contemporaneous communications and documents available for 11-1020-s2 reveals that broader language may not have been adopted, if contemplated. The crisis of faith in DONE’s leadership was that bad.

Justification 2 - Article II Prohibits Delegation of Funds to Neighborhood Council Budget Advocates

Moreover, DONE contends that the Neighborhood Council Budget Advocates are a non-city entity, and as such, by Article II, Sections 260 (Controller) and 262 (approval of demands on Treasury), funds cannot be delegated to them.

According to DONE they were made aware of the mistake about a year ago and have since been advised of the applicability of the Article II prohibition.

Rebuttal of Justification 2

There are two assertions here leading to the conclusion that the “Budget Advocates” language should be changed to “budget advocacy,” both of which are in question. 1) The Budget Advocates are a non-city entity. 2) DONE cannot delegate funds to a non-city entity.

Rebuttal of Justification 2 Assertion 1 - “The Budget Advocates are a non-city entity.”

The DONE statement neither defines “city entity” nor directs one to such a definition.

The Neighborhood Council Budget Advocates argued at a recent BONC meeting (July 5th) that Section 909 of the City Charter (empowering NCs to present to the Mayor and City Council an annual list of budget priorities) and Article I, Section 2 of the Plan for a Citywide System of Neighborhood Councils (establishing that NCs can join together in regional and citywide alliances as a means to engage in collaboration) together establish that the Neighborhood Council Budget Advocates are a city entity.

DONE’s argument is that the Budget Advocates are not mentioned specifically in Section 909.

The Neighborhood Council Budget Advocates is, in and of itself, a city entity

Historically, the Neighborhood Council Budget Advocates came into existence as an effort by former Mayor Hahn to comply with Section 909. The Neighborhood Council Budget Advocates originated as the “Mayor’s Budget Advocates” before being moved to exclusively within



DONE's purview.

Oddly then, if the Neighborhood Council Budget Advocates are not a city entity now, they certainly were one at one time, only losing that status by becoming entangled with DONE.

The RNC does not believe coming under the purview of DONE can itself strip an entity of city entity status.

Even if the Neighborhood Council Budget Advocates was not a city entity in and of itself, the alliance is an assign of each NC individually and all NCs collectively. Thus, they are *derivatively* a city entity, even if DONE's argument is accepted.

Rebuttal of Justification 2 Assertion 2 - "DONE cannot delegate funds to a non-city entity."

This assertion is deceptive. Even if the Neighborhood Council Budget Advocates were not a city entity, it wouldn't matter that DONE cannot delegate funds to them. No funds are ever delegated to them. DONE itself administers the funds without the Budget Advocates having control of a single dime.

Delegation and administration are not the same thing.

The ordinance carveout did not change this. Prior to Ordinance 184835, DONE administered the Neighborhood Council Budget Advocate money without delegation. Ordinance 184835 did not magically give DONE any new powers merely by specifically naming an entity.

This entire issue regarding whether or not the Neighborhood Council Budget Advocates are a city entity is, therefore, a red herring. Nothing changed with Ordinance 184835, except that DONE lost control of almost all NC funds.

Conclusions and Recommendations

Having thoroughly considered DONE's July 1st statement, as inappropriately invited to do by DONE, the Reseda Neighborhood Council maintains its original position. We remain against the motion as it currently stands.

We suggest that DONE review the history of the Neighborhood Council Budget Advocates, the legal meaning of city entity, and the difference between "administrate" and "delegate," and revise its position.

This vote took place in a Brown Act compliant meeting on July 18, 2022. The vote was 10 yes, 0 no, 1 abstain, 0 recused, 3 absent.