

HOLLY L. WOLCOTT
CITY CLERK

SHANNON D. HOPPE
EXECUTIVE OFFICER

When making inquiries relative
to this matter, please refer to
the Council File No. 18-0105

City of Los Angeles CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

Council and Public Services Division
200 N. Spring Street, Room 395
Los Angeles, CA 90012
General Information - (213) 978-1133
FAX: (213) 978-1040

PATRICE Y. LATIMORE
ACTING DIVISION MANAGER

April 16, 2018

Honorable Members of the City Council
City Hall, Room 395
200 North Spring Street
Los Angeles, CA 90012

SUBJECT: REFERRAL OF ITEMS TO COMMITTEE (COUNCIL FILE 18-0105)

Honorable Members:

SUMMARY

On February 28, 2018, Council adopted Amending Motion (Englander – Martinez) which instructed the City Clerk to refer several items to various committees and to report to Council with an implementation plan. The original Motion (Wesson - Englander - Martinez) was introduced with the intent of fostering a civic process that emphasizes transparency, accountability, participation and other good governance, and to allow the initial public discussion at the Council committee level prior to Council consideration.

Council's action instructs the City Clerk to refer liens, Street Lighting Districts, State Department of Alcoholic and Beverage Control (ABC) licensing applications, Rent Escrow Account Program (REAP) items, reward motions, easements, vacations, and Walk of Fame items to various committees. All of the above are items that have traditionally been placed directly on Council meeting agendas in order to expedite processes, or because governing statutes required that a public hearing be held by the full City Council.

The implementation plan included in the Findings section of this report outlines those items which can be immediately referred to the committees as outlined in the motion upon Council adoption of the Resolution of Committee Structure and those items which should be delayed pending further action. Items referred to the stated committees for public hearings prior to the adoption of the Resolution of Committee Structure are done so under Council Rule 16.

BACKGROUND

As part of the development of an implementation plan, City Clerk staff conferred with the Chairs of the Budget and Finance, Housing, Planning and Land Use Management, and Public Works and Gang Reduction Committees. In addition, the City Attorney's Office, Los Angeles Department of Building and Safety (LADBS), Bureau of Street Lighting, Bureau of Engineering, and Los Angeles Housing and Community Investment Department (HCIDLA) have been consulted regarding potential fiscal and procedural impacts and possible legal impediments.

Items which require that public hearings be noticed will require date-certain meetings and in some cases 60-day advance planning of committee meetings. Each Chair's commitment to the process is required in order to ensure items are properly noticed. Inasmuch as Council meets three times a week and most recesses are known well in advance, it is feasibly more efficient to schedule public noticed items in Council rather than committees. The possibility of a lack of quorum in a committee will result in the notices requiring two potential public hearing dates, the first one in committee and the second meeting in Council in the event the committee does not meet quorum. Notices to the public must, therefore, state date-certain hearings at the relevant committee and a date-certain "back-up" hearing time at Council should the hearing not take place as planned at committee. This may cause inconvenience or confusion to those noticed members of the public wishing to provide testimony.

FINDINGS

Liens:

Referrals to begin at the conclusion of Fiscal Year 2018-19 Budget Hearings

The Los Angeles Department of Building and Safety (LADBS) processes approximately 100 to 150 nuisance abatement and code enforcement non-compliance liens and related public hearings each month. Pursuant to the Los Angeles Administrative Code (LAAC), the LADBS is required to send a notice of the lien hearing at least 45 days in advance to the property owners with the date and time of the lien hearing. Due to these noticing requirements, the lien hearings must be scheduled approximately 60 days in advance to allow time for notice preparation and mailing. Based on Council's action, liens would now be referred to the Budget and Finance Committee. The Budget and Finance Committee meets every Monday totaling four meetings per month, whereas the full City Council meets every Tuesday, Wednesday, and Friday totaling an average of 12 meetings per month. The LADBS reports that the reduced number of potential lien hearings due to the fewer number of meetings and the need to attend both Council and committee meetings may result in the following impacts:

- A reduction in revenue of approximately \$1.2 million, unless the Budget and Finance Committee schedules an average of 31 liens per meeting to meet the current demand.
- LADBS staff experiencing a doubling of their workload due to the need to attend both Council and Committee meetings, and prepare reports and status updates for each lien prior to each meeting in order to address questions and concerns of the property owners and Council.
- Potential need for one additional Management Analyst position in order to lighten the workload of an already overstretched staff.

Currently, due to the consideration of the Mayor's 2018-2019 Proposed Budget, the Budget and Finance Committee will not have a sufficient number of regular meetings to consider the pending liens. Therefore, the referral of liens to the Budget and Finance Committee has not yet been implemented, and the City Clerk recommends waiting until the conclusion of the 2018-19 Budget Hearings.

Street Lighting:

Referral changes require an ordinance change

The Bureau of Street Lighting administers the establishment of approximately 200 Street Lighting Districts per year. The LAAC sets forth the procedures for the establishment of the Street Lighting Districts and requires a public hearing be held by Council to hear all protests relative to the proposed District. The current provisions of LAAC section 6.104 for Street Lighting Districts require the public hearing to be held by the full City Council and, therefore, cannot be held by a committee at this time. In order to allow a committee of the Council to hold the required public hearing, the relevant sections of the LAAC must be amended by ordinance.

REAPs:

Referrals already in progress

As the final part of the REAP process, the HCIDLA submits for Council consideration properties that have been identified for removal from REAP. While the property is in REAP, the property owner receives a reduced amount of the rental income and the HCIDLA assesses an administrative fee of \$50 per unit per month. Approximately 20 properties per month are submitted by the HCIDLA for removal from REAP. Pursuant to Council's action, these items are now referred to the Housing Committee. The Housing Committee meets every second and fourth Tuesday totaling two meetings per month versus an average of 12 Council meetings per month. The HCIDLA reports that the fewer meetings may potentially

delay the closing of REAP cases, which may further frustrate and financially impact the property owners. The referral of REAP items to the Housing Committee has been implemented and the Housing Committee has begun scheduling REAP items per Council Rule 16.

Vacations:

Referrals already in progress

The Bureau of Engineering administers vacation proceedings and transmits these matters for Council consideration. The vacation process includes the initiation of the vacation proceedings and the consideration of the vacation request. Currently, the initiation of the vacation proceedings is placed directly on Council meeting agendas, while the subsequent consideration of the vacation request has been referred to the Public Works and Gang Reduction Committee with public hearings occurring during both the Committee and Council meetings. No relevant code sections concerning vacations have been identified which would require that the public hearing be held in Council and therefore a committee may hold all public hearings associated with the consideration of the initiation of vacation proceedings and vacation requests. The referral of the entire vacation process to the Public Safety Committee has been implemented per Council Rule 16.

ABC Licensing (Public Convenience or Necessity [PCN] Applications):

Referrals already in progress

Requirements for obtaining a liquor license are set forth by State code. Under the State code, there is a 90-day time frame in which a local agency may provide input to ABC through the approval or denial of a PCN application. Council policy requires the City Clerk to schedule PCN applications for Council consideration within 45 days of the filing of the application and to provide notice of the Council's determination to ABC. The referral of PCN applications to the Planning and Land Use Management Committee would have little to no impact on current procedures and has been implemented per Council Rule 16. An alternative suggestion would be to refer PCN applications to the Public Safety Committee.

Walk of Fame:

Referrals already in progress

The Bureau of Engineering administers Walk of Fame items and coordinates with the City Clerk regarding scheduling for Council consideration. The referral of these items to the Arts, Health, Education, and Neighborhoods Committee would have little to no impact on current procedures and has been implemented under Council Rule 16.

Reward motions:

Referrals to begin upon adoption of the Resolution of Committee Structure

Motions for rewards are introduced in relation to various incidents, such as graffiti, illegal dumping and various crimes. After Council approves a reward motion, the City Clerk publishes the reward notice in accordance with the instructions provided in the motion and LAAC requirements. The referral of reward motions to the Public Safety Committee would have little to no impact on current procedures. Since these motions are introduced during a Council meeting, the Chief Legislative Analyst would be responsible for referring these motions to the Public Safety Committee upon adoption of the Resolution of Committee Structure.

Easements:

Referrals already in progress

The Bureau of Engineering processes applications for dedication of easements and subsequently transmits a report and the application to Council for consideration. As a courtesy to the public, a notice is mailed to interested parties informing them of Council's consideration. No relevant code sections concerning easements have been identified which would require that the public hearing be held in Council and therefore a committee may hold all public hearings associated with the consideration of the initiation of easement proceedings. The referral of easements process to the Public Safety Committee has been implemented per Council Rule 16.

RECOMMENDATIONS FOR THE COUNCIL PRESIDENT:

1. Instruct the Chief Legislative Analyst to revise the Resolution regarding the committee structure for City Council's Standing Committees (Council file No. 17-0769) to reflect the changes made by Council's action of February 28, 2018.
2. Per Council Rule 16, delay the implementation of the referral of liens to the Budget and Finance Committee until the Budget and Finance Committee completes its hearings on the Mayor's 2018-2019 Proposed Budget and reconvenes regular meetings.
3. Instruct the City Clerk to continue to place liens on Council meeting agendas until Council has concluded its consideration of the Proposed Budget.

4. Instruct the City Clerk to continue to place Street Lighting District items on City Council meeting agendas until after relevant sections of the LAAC have been amended to allow hearings for the items to occur at the committee-level.

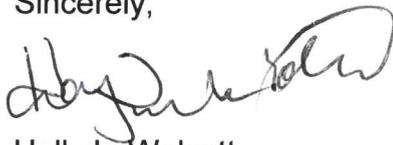
RECOMMENDATIONS FOR COUNCIL ACTION:

5. Request the City Attorney to prepare and present an ordinance to make the necessary revisions to the Street Lighting sections in the LAAC in order to allow the required public hearing to be held at a committee meeting.
6. Instruct the City Clerk and other Departments as appropriate that notice public hearings to include a primary hearing date in committee and a secondary hearing date in Council in order to mitigate any quorum issues. If a quorum in committee is not met, items will be noticed in Council under items for which public hearings have not been held.

FISCAL IMPACT STATEMENT

Delay in lien public hearings could reduce revenue to the City by \$1.2 million annually as reported by the LADBS.

Sincerely,



Holly L. Wolcott
City Clerk