

CITY WATCH

An Insider Look At City Hall

February 9, 2004 Volume 2 Issue 3

CITY WATCH

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CITY WATCH

City Watch Mission: To promote grassroots civic engagement through information and ideas.

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We welcome your comments

NC OPPOSITION TO DWP RATE HIKE GAINING MOMENTUM

One Report Hints at Referendum if Increase Passes
By Ken Draper

Neighborhood Council opposition to the proposed DWP rate increase appears to be reaching groundswell proportions. According to Jim Alger, the unofficial spearhead for the opposition movement, at least 13 NC boards have voted against the increase and at least 36 have the issue agendized for February board meetings. The Valley Alliance, made up of as many as 30 Valley councils, also voted against the increase.

The first sign that Neighborhood Councils were attacking the issue with more than passing frustration came at the council's Commerce, Energy and Natural Resources Committee hearing. Five NC's, and a number of LA stakeholders, showed up to protest the increase and DWP's lack of outreach to the community. As a result, the committee postponed action on the increase until this Thursday and sent DWP back to the community to "make its case."

The Department of Water and Power is asking for an 18% rate increase over two years to improve security, improve water quality and protect its bond rating.

The opposition to the rate hike centers around roughly three contentions: It's not needed, mismanagement and misuse of funds by DWP and distrust. When pressed, DWP CEO Gerald Gewe, admitted at the Commerce Committee hearing that there could be yet another raise three years from now. Committee Chair Tony Cardenas wondered why that possibility wasn't being presented now.

Continued on page 5. See "Opposition"

Insight

ENS and Outreach, Same Animal Different Breed

By Harris K. Telemacher

Noam Chomsky, Harvard Professor of Linguistics, defined terrorism as somebody doing to us, what we've been doing to others with impunity. The same might be said for a common situation with Neighborhood Councils. Departments are frequently criticized by the Neighborhood Councils for not giving enough notice of impending action for the NC to make meaningful comment. The Early Notification System (ENS) was put in the Charter to address that situation, but many still complain about being in the dark and short notice.

That same Charter also called for Neighborhood Councils to involve and draw out participation of all the stakeholders in the community. Part of that responsibility is compliance with the 72-hour notice requirement for meetings. Some councils have indicated frustration that more people are not participating or that a particular group within the community is not getting involved.

Continued on page 6. See "Insight"

Perspectives**Signs of Life on the Road to Empowerment**

By Ken Draper

"I promise to never cast a vote without first consulting you." That was LA Councilman Martin Ludlow talking to a coalition of 10th District Neighborhood Councils. Music to an NC activists ears.

"I have always believed that Neighborhood Councils would be powerful partners in my work as City Controller." So wrote Laura Chick in her letter to NC Presidents looking for liaisons with her office. Different lyrics. Same song.

Surely these are signs of life on the Neighborhood Council road to empowerment.

NC's were slow to react to the City's budget crisis. Some city committees have been disappointed in the lack of NC response to attempts to improve the Early Notification System and the NC election process. Only a few Councils have availed themselves of Impact Statement opportunities to give voice to their advice. Some began to question whether Neighborhood Councils would ever recover from the certification phase of NC life and put wheels on the advisory phase. Some thought Councils were on their way to irrelevance.

The past couple of weeks have provided some serious indications that Neighborhood Councils are still quite alive and well. Thank you.

Continued on page 6. See "Perspectives"

No Such Thing as Free Garbage

By Harris K. Telemacher

Mayor Hahn is committed to giving the City Council a budget for next year, which does not feature tax or fee increases. This is an ambitious task, given that it may require layoffs of an already depleted city staff and cuts in service.

Since Proposition 13 and other initiatives have handcuffed the City's ability to raise revenues, LA has seen the increasing use of fees for service. The result is fees at city tennis courts, filing fees for appeals of land use decisions, sewer service fees and building permit fees. There are others, some are large and some are small. The law for establishing a fee says that the City can only use a fee for cost recovery for providing a service. A "profit" would be considered a tax increase. However, by collecting a fee on a service, the City can allocate its precious general fund money to other services.

There are services that the city provides for free (meaning without charging a fee) that most cities require residents to pay for. One of those is garbage collection. Wait a minute, you might say, what about the Sanitation equipment charge, which is ten dollars per household. The equipment charge can only be used to finance the purchase of sanitation equipment, primarily trash trucks. The rest of the cost of this service is paid for by the tax payers.

Nearly every city in LA County has a refuse collection fee, some as high as \$40 per month. Sometimes the fee is paid to the city, in other cases it is paid to the private hauler.

Continued next column. See "Free Garbage"

Quotables

"The need to make budget cuts should not be an excuse to exploit the most needy and vulnerable among us."

**-Mark Ridley Thomas
10th District Congress of NC's**

Free Garbage*(Cont from previous column)*

It is estimated that if Los Angeles were to institute a fee for full cost recovery it would cost each household approximately \$30-35 per month. This would raise about \$150- million and would free up an equivalent amount of General Fund, almost the size of the expected shortfall, to be spent on other city services.

No one has proposed this fee increase and it is unlikely that anyone will. It is, however an option. The last time it was seriously discussed it was opposed and rejected by the City Council on the grounds that it hurt low-income residents because of its regressive nature.

Another highly subsidized city function for which a fee, or in this case a greater fee, could be charged, is for Planning Department appeals. The cost to the city of hearing appeals is millions of dollars in staff time. The fee charged to appellants is a fraction of the true cost of the appeal. No one has dared to touch that either. However, these are separate times and with the City budget in crisis those don't-touch options may no longer be on the table. ■

Quotables

"Neighborhood Councils are not an experiment"

**-Janice Hahn
Councilwoman-15th District**

Tracking the Issues (I-Trac)**Feds Issue Subpoenas to Heads of DWP, Harbor, Airport Departments**

The U.S. attorney's office has issued subpoenas to the heads of the DWP, harbor and airport agencies, ordering them to appear before a federal grand jury on February 18. The federal investigation comes after audits by the City Controllers office and the start of an investigation by LA County District Attorney's office into the handling of outside contrasts by Airport Commissioners. City Controller, Laura Chick, said she believed there "absolutely was a connection."

BONC Allows VGCC to Go Forward with Election

The Board of Neighborhood Commissioners told the Valley Glen Community Council they could go forward with their post-certification election. Valley Glen was certified in August 2002 but has yet to hold its first election. Valley Glen blames the Department of Neighborhood Empowerment for the delay. DONE blames the City Attorney's office.

"The problem lies solely with DONE and their ever growing demand for control," says Interim Board VP Laurie Lavine.

"The delay was caused by the City Attorney's office changing its opinion," according to DONE General Manager Greg Nelson, "and the council's requests that opinions be in writing, which took time for the City Attorney to provide."

In any case, the BONC decided that, based on the City Attorney's most recent opinion, Valley Glen was in compliance and, without fully endorsing the election plan, gave them the O.K. to move forward.

Van Nuys NC Still Alive-The BONC also agreed to give the dysfunctional Van Nuys Neighborhood Council yet another chance at viability.

After hearing suggestions that included decertification, waiting for stakeholders to file a complaint and authorizing new elections, the Board became convinced that a group of disparate council factions had finally come together and should have another chance to mend the broken parts.

For an NC whose life to date has been mostly fits and starts this would seem an insurmountable challenge. Only the future will determine whether the BONC should have cut the problem at the quick and started over or whether their wishful thinking will pay off.

City Approves Methane Code-The LA City Council has approved an ordinance that would impose uniform standards on developers having to deal with the methane gas under about 8% of the City known as potential action areas. The ordinance came about after community activists pressured the Department of Building and Safety about the methane around a large mixed-use project between Marina Del Rey and Westchester.

ISSUES TO WATCH (File #)

- ◆ CAO Reports on NC Regional Budget Recommendations
- ◆ Possible LA Opposition to Bush Smog Rule (04-0002-S18)
- ◆ Increase Reward for Acts Against Cops (04-0114)

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**City Watch
 Issues
 DayPlanner**

Tuesday, February 10**City Council (10a)**

- ◆ *Urging Tenent to keep LA hospitals open*
- ◆ *Council support for order that MTA buy more buses*
- ◆ *Sale of Hollywood/Highland Complex*
- ◆ *Status of Etz Chaim Synagogue (3rd & Highland) lawsuit*

Ethics Commission (9:30a)

- ◆ *Ban on Commissioners fundraising for political campaigns*

BONC (6:30p)

- ◆ *Valley Glen bylaws modification*
- ◆ *Recommendations on "carve outs" and "orphaned" areas*
- ◆ *ENS as acceptable posting location*

Wednesday, February 11**City Council (10a)**

- ◆ *Urging end to grocery strike*
- ◆ *Rampart Review Panel*

Rules & Elections (2p)

- ◆ *Lobbyists must disclose on written communications to NC's*
- ◆ *Restrictions on fundraising of board, commission members*

Transportation (2p)

- ◆ *Safe Routes to School Program*

Thursday, February 12**Commerce & Energy (3p)**

- ◆ *DWP Proposed Rate Increase*

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[Visit the City website
www.lacity.org } for meeting
 locations and complete agendas.]

We get letters ...

(Some letters are edited for brevity and/or clarity.)

It Depends on What "Troubled" Is

It would have been professional if someone from City Watch had interviewed us before they termed Valley Glen as a troubled council (City Watch January 26, 2004). Our troubles are caused by a lack of support from DONE and the amount of time it takes to receive answers from them on the most basic questions.

-Laurie Lavine
VP Interim Board
Valley Glen Community Council

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Put Out by the Out Put

STOP THE E-Mail CLUTTER! This is nothing more than SPAM. This rampant emailing to massive non "opt-in" lists threatens to destroy one of the most effective tools for the NC's.

I have gotten over 100 emails about this (DWP rate increase) issue today alone. I do not have time to read them all. I do not care to read them all.

As an elected officer of Central San Pedro NC I will study the issues that most concern me and my district.

But I will not broadcast my district's issues (even if they have city wide implications) onto an arbitrary list of email addresses.

-Dan Pasley
Communication & Outreach Officer
Central San Pedro Neighborhood Council

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Dog Enabler Barks Back

I would like to respond to Sheila Bernard's guest editorial, "On Passion of Gadflies and Angry Critics" (City Watch, January 12, 2004.)

I suspect that Ms. Bernard may have been thinking of me when she wrote her guest editorial for the "City Watch". I was a candidate for the contested Venice election that was held this past summer.

As many who have followed Venice's contentious and protracted election process already know, I registered my dog as a new stakeholder and cast an absentee ballot in her name. I did this for a reason; to demonstrate how easy it was to commit voter fraud under the convoluted, ad-hoc election rules DONE and the GRVNC Elections Committee had pieced together after an eleventh-hour challenge mounted by the so-called "Progressive Slate", of which Ms. Bernard was a member.

Continued next column. See "Letters"

City Watch On-Line Address Book

- 📖 Read City Watch- www.allncs.org
- 📖 City Watch Editor- sirken323@aol.com
- 📖 DONE Website/links-
www.lacityneighborhoods.com
- 📖 LA City Website- www.lacity.org

Letters-Continued from previous column

As a direct result of this challenge, new rules were hastily adopted in a raucous meeting filled with race-baiting "Progressive Slate" supporters, allowing absentee voting AFTER the election, acceptance of third-party absentee ballot requests (illegal under California law), and ZERO verification of stakeholder status of individuals requesting new membership and absentee ballots at the same time.

The result was that nearly twice as many absentee ballot requests were received as there were people who showed up at the original election to vote in person. Of those ballots returned, almost all were from people requesting new membership. There are reports that these new, unverified stakeholders voted for the "Progressive Slate" by a margin of 9-1.

Voter Fraud?

Despite the fact that I definitively demonstrated how ridiculously easy it was to commit voter fraud under these circumstances, DONE ruled that no other voter fraud had been found. Because, and DONE admits this, THEY NEVER EVEN LOOKED. In other words, the only voter fraud they could find had a press release attached to it.

The results for us in Venice have been devastating. Mass defections of the founders of the Venice Neighborhood Council, stakeholder disenfranchisement, and a board that is no longer trusted by the vast majority of Venetians.

But, hopefully, our tale of woe will be something that other neighborhood councils can learn from. If nothing else, perhaps the importance of election integrity will at last be fully understood by others who follow in our footsteps. Because without it, a neighborhood council can never hope to gain the trust of the people they claim to represent.

-Marta Evry
GRVNC Candidate & Dog Voting Enabler
Venice

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(City Watch welcomes your comments. Forward to Editor at sirken323@aol.com.) 📧

Coming Attractions

Stories on the City Watch Assignment Board

- ✦ The March Primary: What Will it Mean to LA
- ✦ The Consequences of Term Limits: Good, Bad & the Ugly
 - ✦ The Big Box Retail Rhubarb: What's It Really About
- ✦ Who Loves Ya Baby? In Search of NC Friends in High Places
 - ✦ Joel Wachs: What Do Ya Think of Us Now?
- ✦ BID's 101: Five Easy Steps for Helping Your Community

In a City Watch to Come
On Monday of every other week
The E-Newsletter for LA's NC's

Opposition-Continued from page 1.

Many Neighborhood Councils are upset with what they consider poor use of funds. As examples, they sight the hefty DWP pay increases approved by City Council in 2002, the million dollar industrial audit that gathered dust for more than a year until Controller Laura Chick and Councilwoman Wendy Greuel uncovered it and the recent transfer of millions of dollars from DWP to the City's General Fund. (See separate story, City Watch Page __, Subpoenas Issued to Heads of DWP, Harbor and Airport Departments.)

In addition to questioning the transfer, when the DWP claims it needs funds, some see the process as a form of indirect taxation, at the least, a process short on transparency.

NC's have also accused the DWP of inadequate outreach to their communities. Gewe told the hearing that DWP had sent out e-mails, videotapes and booklets to Neighborhood Councils. He also said that NC leaders had been invited to five public hearings but with little response, leading him to believe it wasn't a "pressing issue on people's minds."

Committee member, Janice Hahn, said that it appeared that either the DWP outreach wasn't working or DWP wasn't making its case and reminded Gewe, a city body "is not supposed to make a decision until all neighborhood councils have been given time to weigh in."

Continued next column

Get back issues of City Watch

www.allncs.org

Continued from previous column

"Believe me," says Alger, "when this comes up at Neighborhood Council board meetings, people care. This so-called fiscal emergency is an emergency DWP created and it's time someone stood up for the rate payers."

One City source, requesting anonymity, said, "It's likely that the increase will pass regardless of what Neighborhood Councils do. DWP has historically pretty much gotten its way with the City Council>"

"If the increase is approved," Alger counters, "ratepayers will be forced to a referendum. This city is long overdue for transparent government. If the system is broken, then let's fix it."

In the meantime, Mayor James Hahn faces a dilemma of sorts. He has to date supported the rate increase, and Neighborhood Councils have been one of his pet projects. If the NC opposition momentum gets weightier, the Mayor will face some tough maneuvering in that tight space between the proverbial rock and the hard place. Stay tuned. ■

IMPORTANT

The Commerce & Energy Committee
will consider the proposed DWP rate increase again

Thursday

February 13, 2004 (3pm)

City Hall Room 1050

Perspectives-Continued from page 2

The current NC movement to put some transparency and accountability into the DWP's request for higher rates is evidence of the growing good health of Councils. (Nothing like a cause to get an activists adrenalin flowing.) When five Neighborhood Councils showed up at the Commerce Committee's DWP hearing, the Committee decided to postpone action on the proposed rate hikes and sent DWP back to the community to practice their outreach. (See DWP story on page 1.) One deputy said her Councilmember had underestimated the opposition's passion on the issue.

More Signs

There are other signs of life: More NC's are showing up and City Council meetings to deliver the neighborhood voice. In one Council session alone, last week, three NC's were heard on three separate issues, including the Methane Gas Ordinance and the Sunshine Canyon Landfill issue.

Also at City Council, the urban farmers, in their search for comparable space to continue farming, have been fronted by NC's. An NC leader spoke for Etz Chaim Synagogue in yet another appearance before the City to explain that everything they have done has been court-approved.

Baca Pitching

LA Sheriff Lee Baca is pitching his Public Safety ½ cent Sales Tax Initiative to Neighborhood Councils. At one such session, Baca's representative was asked would monitor the use of the funds raised from the tax to make sure it went to put more officers on the line. His answer: "It seems like Neighborhood Councils would be the appropriate group to do that."

As Councilwoman Janice Hahn reminded the DWP, "A board or commission is not supposed to make a decision until all Neighborhood Councils have been given enough time to weigh in on the matter." Despite the DWP's lackluster effort, more city agencies appear to be getting ... and understanding ... that Charter promise. And, despite the slow transition, it appears that Neighborhood Councils are becoming energized and more adept at mobilizing their empowerment. ■

Contact City Watch

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Comments & Views Welcome

CITY WATCH *Publishing Dates*

February 23, 2004

March 8, 2004

March 22, 2004

Insight-Continued from page 1

Both the ENS and outreach efforts are derived from the same fact of life. People are too busy, too uninformed on why they should be interested, and lack the personal attention that it takes to get people to respond. The Neighborhood Councils and their frustration in making stakeholders aware of what's going on, and the City's ENS are two sides of the same coin.

There are some changes afoot. The budget, which has historically had no public participation, has expansive involvement. This involvement comes from a drawn out educational process in which the Department of Neighborhood Empowerment and the Mayor's office have patiently trained activists on understanding the budget process. Do the Neighborhood Councils devote a similar effort to recruit and involve members of the community in their program? Some do, but most do not. A frequent refrain from visiting stakeholders is, "I never knew the neighborhood Council existed."

There are no shortcuts. If you live in a glass house, dress in the basement. ■

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through information and ideas.**
