

Communication from Public

Name: Steven Appleton

Date Submitted: 08/25/2020 01:19 AM

Council File No: 18-0467

Comments for Public Posting: Re: Council File: 18-0467 Dear City Council Members, Please see the attached PDF comment where I recommend refinements of the proposed Neighborhood Council Community Interest ordinance. The proposed ordinance may create further confusion if approved as is. Please read the details in my attached PDF.
Steven Appleton

Dear City Councilmembers,

I am writing to recommend a change to the draft ordinance that defines a neighborhood council "Community Interest Stakeholder".

First a bit of history: The Community Interest stakeholder is the latest refinement of what was prior-called a "factual basis" stakeholder – a person who "declares an interest" in a neighborhood. The "factual basis" stakeholder definition was intended to open the door to a broader range of participants, but unintended consequences soon resulted. In some instances, so called "pot shop" or "Starbucks" stakeholders formed alliances to overwhelm local preferences. In order to be inclusive of but also provide limits to "outsiders", the Community Interest Stakeholder was created. See <https://patch.com/california/eaglerock/la-city-council-looks-to-ban-starbucks-stakeholders-from-participating-in-neighborhood-council-elections>

The proposed ordinance before you does clarify what are qualifying organizations for Community Interest Stakeholders. But it also perpetuates an unintended equivalency between a "live, work, own stakeholder" and a Community Interest stakeholder. If the intent is to make things perfectly clear, it does not. Confusion may result.

For instance, I am aware of a circumstance where an individual ran in an NC election as a Community Interest Stakeholder. He did not live, work or own property in the area but belongs to a Facebook group that seeks to influence local decisions. When he lost the election, the same individual sought an appointment by vote of the same NC to fill a vacancy. He claimed to be a "stakeholder" because he belongs to a local group. Since the ordinance says a "stakeholder" is either one who "lives, works or owns property" or a Community Interest Stakeholder, board members were confused. Arguably, the election was "gamed" based on the circularity of the stakeholder definition.

As Councilmembers you are already aware that ambiguity in NC stakeholder rules invariably causes strife and additional work for Neighborhood Empower staff, City Attorney, and your own office. Such ambiguity may also negatively impact public perception about the neighborhood council system. Unless things are crystal clear, partisan outside groups will sometimes silence local input on important matters.

To avoid the risk of confusion due to a circular definition, I suggest that the ordinance be further refined:

- (1) Explicitly define two separate categories of stakeholders:
 - a. Local Stakeholder who "live, work, or own property" in the bounds of the NC.
 - b. Community Interest who qualify by belonging to a local group as defined by the ordinance.
- (2) Limit Community Interest Stakeholder to one per neighborhood council.

Sincerely,



Steven Appleton, Elysian Valley

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Name: Steven Appleton
Date Submitted: 08/25/2020 07:35 AM
Council File No: 18-0467
Comments for Public Posting: Please see my prior comment. The attached is a modified ordinance, separating the two general categories of stakeholders to avoid confusion.

ORDINANCE NO. _____

An ordinance adding Section 22.801.1 to the Los Angeles Administrative Code establishing a revised definition of Community Interest Stakeholder for neighborhood councils, amending Sections 20.36(d) and 22.811(a)(2) to reference the revised definition, and repealing Section 22.806(b) to remove the current definition of Community Interest Stakeholder.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 22.801.1 is added to the Los Angeles Administrative Code to read as follows:

Sec. 22.801.1. Neighborhood Council Stakeholder Definitions.

(a) **Stakeholder.** For the purposes of this chapter, a certified neighborhood council "Stakeholder" shall be defined as any individual who lives, works, or owns real property within the boundaries of the neighborhood council.

(b) **Community Interest Stakeholder.** For the purpose of this chapter, certified neighborhood council "Community Interest Stakeholder" shall be defined as an individual who is a member of or participates in a Community Organization, as defined in Subsection (1) of this section.

(1) **Community Organization.** For the purposes of this section, a "Community Organization" is an entity that has continuously maintained a physical street address within the boundaries of the neighborhood council for not less than one year, and that performs ongoing and verifiable activities and operations that confer some benefit on the community within the boundaries of the neighborhood council.

(a) A for-profit entity shall not qualify as a Community Organization.

(b) Examples of a Community Organization may include chambers of commerce, houses of worship or other faith-based organizations, educational institutions, or non-profit organizations.

(c) **Retroactivity.** This section shall not be applied retroactively. Any seated neighborhood council board member whose eligibility to serve may be affected by enactment of this section may serve the remainder of their term.

(d) **Limit on the Number of Community Interest Representatives.** The number of Community Interest Representatives shall be limited to a maximum of one per neighborhood council.

(e) **Rules and Regulations.** The Department of Neighborhood Empowerment and the Office of the City Clerk, within their respective roles, are authorized to promulgate rules and regulations and establish policies to implement and administer this section.

Sec. 2. Subsection (d) of Section 20.36 of the Los Angeles Administrative Code is amended to read as follows:

(d) The Department and the City Clerk are authorized to charge a manual recount fee in the amount of \$798.80 per neighborhood council, and \$2.28 for each additional ballot required to be recounted beyond the estimated average number of ballots cast in a neighborhood council election, to any stakeholder, as defined in Los Angeles Administrative Code Section 22.801.1, who voted in a neighborhood council election and who has requested a recount.

Sec. 3. Subsection (b) of Section 22.806 of the Los Angeles Administrative Code is hereby repealed.

Sec. 4. Subsection (a)(2) of Section 22.811 of the Los Angeles Administrative Code is amended to read as follows:

(2) that neighborhood council membership will be open to everyone who qualifies as a stakeholder as defined in Section 22.801.1.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
ST R. HOUCHIN
Deputy City Attorney

Date 5. 1 2016

File No. 18-0467

M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES • FINAL YELLOW\LAAC 22.801 .1 Community Interest Stakeholder 5.26.20.docx

The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____

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By 
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Deputy City Attorney

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