

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

Neighborhood Council: South Robertson Neighborhood Council

Name: Jon Liberman

Phone Number: (310) 839-0254

Email: jonliberman@soronc.org

The Board approved this CIS by a vote of: Yea(11) Nay(2) Abstain(0) Ineligible(1) Recusal(1)

Date of NC Board Action: 02/16/2023

Type of NC Board Action: Against

Impact Information

Date: 02/17/2023

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 23-1200-S6

Agenda Date:

Item Number:

Summary: Community Impact Statement Neighborhood Councils are regulated by the Department of Neighborhood Empowerment which is governed by the Board of Neighborhood Commissioners. Each Commissioner is appointed for a five-year term and has significant influence over DONE and the individual neighborhood councils. Due to the timing Mr. Nadel's application was submitted during the time of transition between the outgoing Mayor Garcetti and the incoming Mayor Bass. As such there was no opportunity provided for the alliances or for the individual neighborhood councils to vet this applicant. Based on information provided by the Budget Advocates in a February 6 2023 letter to the City Council which included a letter from Mr. Nadel there is concern as to whether the applicant has the necessary judgement and temperament to serve in the position for which he has applied. Those documents are included as attachments to this CIS. We are requesting that his application be withdrawn until such time as the Alliances and the Neighborhood Councils have been provided an opportunity to vet the proposed appointee.



Motion that the South Robertson Neighborhoods Council in support of the Los Angeles Neighborhood Council Coalition motion, requesting that a Community Impact Statement be filed for CF 23-1200-S6 to ask Mayor Bass to withdraw Josh Nadel's application for Board of Neighborhood Council Commissioner until the NC Alliances and affected Neighborhood Councils have the opportunity to vet the proposed appointee.

Michael Lynn
President

Ken Blaker
Vice-President

Terrence Gomes
Treasurer

Baila Romm
Secretary

Jon Liberman
Corresponding Secretary

Agenda Item: GB021623-09
Date: February 16, 2023
Proposed By: Executive Committee
Include motion in Consent Agenda? No

Background

The South Robertson Neighborhoods Council supports the position of the Los Angeles Neighborhood Council Coalition motion requesting that Mayor Bass withdraw Josh Nadel's application for Board of Neighborhood Council Commissioner until the Neighborhood Council Alliances and the affected Neighborhood Councils have the opportunity to vet the proposed appointee. Mr.

Nadel's application was submitted during a time of transition between the outgoing Mayor Garcetti and the incoming Mayor Bass. As such there was no opportunity provided for the neighborhood councils to vet this applicant.

One of the alliances, the Budget Advocates, have submitted a letter , dated February 6, 2023, to the Los Angeles City Council and to the Board of Neighborhood Commissioners. Attached to that letter was a copy of Mr. Nadel's letter to the Los Angeles County District Attorney.

**South Robertson
Neighborhoods Council**

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Both letters raise concerns about whether Mr. Nadel has the necessary judgement and temperament to serve in the position for which he has applied.

Proposed Motion

The SORO NC General Board authorizes the filing of a Community Impact Statement (CIS) for CF 23-1200-S6 supporting the Los Angeles Neighborhood Council Coalition motion requesting that Mayor Bass withdraw Josh Nadel’s application for Board of Neighborhood Council Commissioner until the Neighborhood Council Alliances and the affected Neighborhood Councils have the opportunity to vet the proposed appointee.

Community Impact Statement

Neighborhood Councils are regulated by the Department of Neighborhood Empowerment which is governed by the Board of Neighborhood Commissioners. Each Commissioner is appointed for a five-year term and has significant influence over DONE and the individual neighborhood councils.

Due to the timing Mr. Nadel’s application was submitted during the time of transition between the outgoing Mayor Garcetti and the incoming Mayor Bass. As such there was no opportunity provided for the alliances or for the individual neighborhood councils to vet this applicant.

Based on information provided by the Budget Advocates in a February 6 2023 letter to the City Council which included a letter from Mr. Nadel there is concern as to whether the applicant has the necessary judgement and temperament to serve in the position for which he has applied. Those documents are included as attachments to this CIS.

We are requesting that his application be withdrawn until such time as the Alliances and the Neighborhood Councils have been provided an opportunity to vet the proposed appointee.



Considerations

Committee review: Votes For:5 Against: 0

Arguments for: **Arguments against:**

- | | |
|---|--|
| <ul style="list-style-type: none">1. Lack of Consistency as to process with other applicants.2. Transparency | <ul style="list-style-type: none">1. n/a |
|---|--|
-



February 6th, 2023

Honorable Members of the Los Angeles City Council
Honorable Members of the Board of Neighborhood Commissioners

**RE: Appointment of Josh Nadel to Board of Neighborhood Commissioners
CF 23-1200-S6**

Page 4 of the Mayor's Report on Council File 23-1200-S6 dated February 2nd, 2023 contains a resume for Josh Nadel that represents that he is or was a "Budget Advocate." The Neighborhood Council Budget Advocates would like to set the record straight that Mr. Nadel is not currently a Budget Advocate nor has he ever been a Budget Advocate. This is not the first time that we have had to address these fabulistic claims from Mr. Nadel. In 2019 Mr. Nadel was making reports at meetings within the Neighborhood Council system and representing himself as a Budget Advocate and was told that he needed to cease doing so as it was inappropriate. In the Budget Advocates report on the General Services FY 2020-21 budget requests Mr. Nadel identified himself as a Budget Advocate and was again reminded that he was not a Budget Advocate and the report was corrected. More recently, in the September 6th, 2022 Board of Neighborhood Commissioners meeting Mr. Nadel referenced leaving the Budget Advocates and was reminded again that he was never elected as a Budget Advocate.

Beyond this, we feel that Mr. Nadel has exhibited behavior that is unsuitable for a Commissioner representing the Neighborhood Council System. Mr. Nadel ran for a position as a Region 11 Budget Advocate in the 2020 Budget Advocate Elections and lost. In response to not winning his election, Mr. Nadel filed multiple grievances and sent a five page letter to the LA County District Attorney alleging racism, fraud, corruption, election rigging, and illegal conspiracy by the Budget Advocates, specifically targeting Budget Advocates' leadership (attached). In this letter Mr. Nadel also identifies the Neighborhood Empowerment Advocate assigned to the Budget Advocates as a "DONE compliance monitor", which demonstrates an alarming misunderstanding of the role of the NEAs and the Department of Neighborhood Empowerment in the Neighborhood Council System. It should also be noted that upon losing his election, Mr. Nadel became so disruptive and threatening in Budget Advocates meetings such that we could

no longer conduct business and had to change the way we managed our meetings to severely restrict the opportunities for the public to participate in our discussions.

Furthermore, the Budget Advocates feel strongly that all appointments to the Board of Neighborhood Commissioners should be vetted by the Neighborhood Councils and Alliances from the region(s) that the appointee represents. We urge the Mayor to withdraw this nomination until the affected Neighborhood Councils have a chance to weigh in on this appointment and the information provided by the appointee can be fully vetted.

This letter was approved by the Budget Advocates at a regularly scheduled meeting on February 6th, 2023.

Thank you for your consideration on this matter,

The Neighborhood Council Budget Advocates

Los Angeles County
District Attorney's Office
211 West Temple Street
Suite 1200
Los Angeles, California 90012

District Attorney's Office,

The Budget Advocates are an organization built off of the City of Los Angeles 'Neighborhood Council program. There are 36 Budget Advocates or 3 from each of the 12 different service regions that the Department of Neighborhood Empowerment (DONE) utilizes for organizing the neighborhood council system. The only people eligible to become Budget Advocates are Budget Representatives. Each Neighborhood Council can appoint up to two and the appointment(s) stay in place until a resignation or board led replacement appointment occurs. If a Neighborhood Council has no Budget Representatives, the Budget Advocates have determined that a President or Treasurer from that Neighborhood Council could instead be made eligible to run.

The Budget Advocates have a mysterious origin. It is not clear how or when the organization started at this point because there are literally no records. Budget Advocates nor DONE is in position of any founding documents. This is troublesome because of the nature of how the Budget Advocates claim to derive their power.

The Budget Advocates bylaws clearly state in Article 2, Section 3 – Authority and Power (Exhibit 1 attached herein) that the Budget Advocates derive their power and authority from section 909 of the LA City Charter:

"Each neighborhood council may present to the mayor and council an annual list of priorities for the city budget. The Mayor shall I for certified neighborhood councils of the deadline for submission so that the input my be considered in a timely fashion"

According to the Neighborhood Council Budget Advocates bylaws the text was amended and currently reads:

" The [Neighborhood Council Budget Advocates] NCBA is authorized to act under the Los Angeles City Charter (the "Charter") Section 909, which provides 'each neighborhood council may present to the Mayor and Council an annual list of priorities for the City budget. The Neighborhood Councils have given their proxy to the NCBA (via the Budget Representatives and Budget Advocates) to speak out on their behalf to the electorate of the City of Los Angeles. This proxy will not limit or inhibit the individual Neighborhood Councils from expressing their own individual thoughts or comments or opinions on various budgetary concerns that fall within the activities authorized under the Charter. The Neighborhood Councils shall give their proxy in the form of appointing or electing or otherwise designating two Budget Representatives from their Board members or stakeholders. This appointment of Budget Representative(s) shall be a revocable proxy which will expire only when the Budget Representative(s) are replaced or resigned."

Proxy voting requires written proxy statements to accompany the voting. This is to ensure that the proxy is in fact voting on what the original voter actually wants and not what the proxy voter thinks. So any legitimate proxy voter, in the context of being a Budget Advocate, should have a proxy statement and

be regularly checking in with their Neighborhood Council in a formal meeting setting, with appropriate agendas and minutes, about how to vote in accordance with the full Neighborhood Council Board. It has to take place at a meeting to be in compliance with the Brown Act and cannot take place via email, so as to not violate the serial meeting aspects of the Brown Act.

The Ralph M. Brown Act, part of the California Government Code, is an act of the California State Legislature, authored by then Assembly member Ralph Brown and passed in 1953, that guarantees the public's right to attend and participate in meetings of local legislative bodies. The Brown Act, originally a 686 word statute that has grown substantially over the years, was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials. City councils, county boards, and other local government bodies were avoiding public scrutiny by holding secret "workshops" and "study sessions." The Brown Act solely applies to California city and county government agencies, boards, and councils. The Act has been interpreted to apply to email communication as well, leading to restrictions on the number of parties that can be copied on electronic messages.

The Brown Act has many provisions that have helped it become called "The Sunshine law" because of the vast amounts of transparency it allows to take place. Among some of the more key provisions: 72 hours notification for meeting agendas, including translated options upon request, 24 hours notice for special meetings, minutes for all meetings, no serial communications, strong protections against conflicts of interest and a host of other incredibly useful tools for battling corruption. The Budget Advocates violate every one of these

They claim they are not a Brown acted organization. That claim has no basis behind it. It is receipt of public taxpayer money that confers Brown Act status according to the law. Under California Code 54952 (Exhibit 2 attached herein), Chapter 9 of the Brown Act, states

"As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the

legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.”

That rather lengthy quote is all necessary. It clearly states that any private group that receives public money is automatically Brown Acted by the provisions of the law and it goes to say that essentially nothing can change that.

The reason for the lengthy discussion on the Brown Act is to discuss the specifics of becoming a Budget Representative. It requires a Neighborhood Council Board vote. According to the Brown Act, minutes are required to accurately document everything that occurred of importance at a given meeting. So, there is a basis for finding quantifiable and verifiable proof for every Budget Representative appointment. With that being said, a human being appointed is not all the Budget Advocates are requesting.

As stated above, in Article 2, Section 3 – Authority and Power:

“The Neighborhood Councils have given their proxy to the NCBA (via the Budget Representatives and Budget Advocates) to speak out on their behalf to the electorate of the City of Los Angeles ... The Neighborhood Councils shall give their proxy in the form of appointing or electing or otherwise designating two Budget Representatives from their Board members or stakeholders. This appointment of Budget Representative(s) shall be a revocable proxy which will expire only when the Budget Representative(s) are replaced or resigned.”

They are also requesting that the Budget Representative be a proxy for the Neighborhood Council board pursuant to their claim of authority arising from Section 909 of the LA City Charter. While Section 909 does not mention the word “proxy” anywhere. However, it does mention that the Neighborhood Councils may give budget priorities to the Mayor. The Budget Advocates are effectively making the claim that Budget Representatives are a proxy for Neighborhood Council Board’s so they can perhaps be compliant with Section 909.

But for actual compliance with Section 909 two things would have to happen. First, the Budget Advocates would have to tell all Neighborhood Councils that a Budget Representative votes on their behalf on budget matters and is supposed to vote in exactly the manner that the Neighborhood Council Board decides. Second, the only proof that the Neighborhood Council Board’s decisions are being followed would be an accompanying proxy statement from the Neighborhood Council Board, which would describe and define their position for any and all votes.

I have never heard of any attempt to elicit the votes of Neighborhood Council boards for Budget Advocates votes. I have never heard of any attempt to use proxy statements. This is clearly a corruption of the terms being used and an overreach on the power the Budget Advocates should have.

Since there is a large amount of corruption described here, a discussion on who has compliance power over the Budget Advocates is necessary. In deriving power from section 909 of the LA City Charter, the Budget Advocates have squarely placed themselves as participants in the larger Article IX – Department of Neighborhood Empowerment (Exhibit 3 attached herein). Article IX describes the powers of DONE and the citizen run commission, the Board of Neighborhood Commissioners (BONC) in sections 901 and 902, respectively.

Section 901, Part D says that DONE will “assist neighborhood councils with the election or selection of their officers”. Since the Budget Advocates claim power from Article IX, they also put themselves in the category of Neighborhood Councils, especially since each Budget Advocates membership is ostensibly a proxy for a Neighborhood Council Board. Budget Advocates made no effort for their 2020 elections to be monitored by DONE. In fact, they put in their own members in charge of elections and then systematically had the previous co-chair and parliamentarian overrule any decision those put in charge of the election made. That is inherently corrupt. No effort was made to verify the eligibility of voters. Two different ineligible candidates were allowed to run even though they had no official Budget Representative status. Senior leadership conspired to push through these illegal candidates.

One of the most troubling aspects of my grievances is that DONE compliance monitor, John Darnell, was shouted down by the co-chair Jack Humphreville at the 6/29 meeting shouting that he had no right to be here and should not speak. That is unacceptable conduct and should, on its own, merit removal of Mr. Humphreville as he conducted himself in an illegal fashion that personally benefitted himself. This is all detailed in my two grievances (Exhibits 4 & 5 attached herein).

Section 902, Part B says that BONC will “be responsible for policy setting and policy oversight, including the approval of contracts and leases and the promulgation of rules and regulations, but shall not be responsible for day-to-day management”. Since the Budget Advocates are deriving their power from Article IX, then this section covers the fact that BONC is supposed to be adjudicating the rules and regulations of the Budget Advocates. In this case, BONC should exercise its power to examine the proof, or lack thereof, that all Budget Advocates were in fact eligible candidates AND removing those that consistently are violating the rules that BONC has been promulgating, such as no racism, legal candidates, fair elections and open meetings. Those rules have been systematically violated by a cartel of senior leadership as detailed in Exhibits 4 & 5.

The Budget Advocates have adopted the Neighborhood Council’s mandated “Code of Conduct” and “Code of Civility” (Exhibit 6 & 7 attached herein). Each refers to DONE and/or BONC as the oversight to the Budget Advocates. The Code of Conduct clearly says that BONC. The Code of Civility contains a host of already detailed matters as things that should never occur and is designed as a de facto contract for all Budget Advocates to abide by. For these reasons alone, there needs to be a large amount of removals.

The Budget Advocates should be put on hiatus as a group until several things occur. First, they need to secure actual proxy statements in the form of motions voted on by the full boards from a majority of Neighborhood Councils. That is the only way according to their own derivation of power that could legitimately leave them in place. Second, DONE must complete a thorough inspection of voter eligibility and the inconsistencies that occurred in the various elections. Third, BONC must complete a thorough examination of the racism that senior leadership is inflicting on the ethnic minorities in the group. BONC must also examine the systematic avoidance of Brown Act provisions that Budget Advocates has engaged in.

Furthermore, much of the senior leadership should be forced to resign. Not only have they made zero effort to comply with the Brown Act, they have also rigged multiple elections and been wildly racist. It would be inexcusable for the leadership to remain in place because they would likely continue operating in the same fashion. DONE & BONC could first inform senior leadership that they can resign without any

fanfare/complaints or a combination of open hearings by BONC about these matters with witness testimony and a DONF/City Hall led investigation into the charges.

As this is a time sensitive matter, I expect a swift resolution to this issue

Sincerely,

Josh Nadel

[REDACTED]
[REDACTED]
[REDACTED]

josh.nadel@palmsnc.la