

Attachment "H"



BABCNC Response to Councilmember Ryu’s Motion on Proposed NC Reforms

The Charter and Election Code of the City of Los Angeles will impact the proposed Neighborhood Council System Reforms. Procedures to amend the City’s Charter are specified by State law. The number of signatures required for charter amendment petitions is 15% of the registered voters in the City of Los Angeles according to the County Clerk/Registrar-Recorder’s last official report of registration to the Secretary of State. Acknowledging cost and complexity of a charter amendment, the BABCNC feels strongly that:

- 1) It is not timely to change name DONE to NCD and BONC to the Neighborhood Councils Commission;
- 2) It is against evaluating neighborhood council bylaws to determine if board seats are equitably allocated amongst stakeholder types and provide suggestions on ways to adjust board seats as needed to increase "equity" by a rational compatible standard.
- 3) It is against removing any reference to Selections
- 4) It supports removing the Community Interest Stakeholder as contrary to the express provision of the City Charter

We are prepared to discuss in detail the rationale for these positions.

In 1999 the Los Angeles City Charter established the Neighborhood Council System, to promote greater citizen participation in government and make government more responsive to local needs" (Charter Section 900). The Department of Neighborhood Empowerment was established by the City Council in furtherance of that goal and accorded the Neighborhood Council "advisory" authority only. Previously in 1977, the Bel Air-Beverly Crest Community plan was adopted with significant input and contribution from organizations and individuals subsequently participating in the formation of the Bel Air-Beverly Crest Neighborhood Council.

Before the City Charter established the Neighborhood Council System, numerous homeowner groups in the Bel Air-Beverly Crest Community Plan worked independently and in concert with the Hillside Federation, with a common interest in the Santa Monica Mountains, a distinct, vital and important area of the City. With the responsive cooperation of past Councilmen representing the Community Plan area, this coalition successfully obtained services from the City Department for the life and protection of the Santa Monica Mountains, for local needs of individual neighborhoods, and most importantly, directly participated in legislation for the hillside areas.

OFFICERS

President
Robin Greenberg
 Vice President
Nickie Miner
 Treasurer
Jacqueline Le Kennedy
 Secretary
Robert Ringler

COMMITTEES

Executive
 Bylaws, Rules and Elections
 Planning and Land Use
 Outreach and Education
 Emergency Preparedness
 Traffic Committee

STAKEHOLDER GROUPS

Bel-Air Crest Master Association
 Bel Air Hills Association
 Bel Air Ridge Association
 Benedict Canyon Association
 Casiano Estates Association
 Laurel Canyon Association
 Holmby Hills Homeowners Association
 Residents of Beverly Glen

RESIDENTIAL DISTRICTS

Bel Air District
 Bel Air Glen District
 Franklin-Coldwater District
 North of Sunset District

OTHER

At-Large Members
 Commercial or Office Enterprise Districts
 Custodians of Open Space
 Faith-Based Institutions
 Public & Private Schools

That process worked through the Councilmen of the District to maintain the life and protection of the Santa Monica Mountains and participated directly in legislation for the hillside areas. Please see Exhibit A attached for a somewhat brief articulation about BABCNC's formation as Neighborhood Council. Accordingly, please recognize the distinct characteristics of this Neighborhood Council. It inhabits the Santa Monica Mountains, is substantially residential, and is so zoned, with longtime experience in governance. A significant focus of past and current organization procedure is to preserve the ability to conserve and safeguard the integrity of this portion of the Santa Monica Mountains, the treasure of all of Los Angeles. No other City has a mountain range spanning the breadth of its boundaries, as do we. The particular geography and topography contained within BABCNC borders and its neighboring hillside communities is distinct. The area is less dense than the flats but covers a large center of the City. One size does not fit all.

By good faith participation in the Charter process and the Neighborhood Council System the Bel Air-Beverly Crest Neighborhood Council received outstanding recognition from BONC throughout the 16 years of its existence and was appropriately acknowledged by Councilman Koretz in his comments on the evening of our 15th anniversary celebration:

“Tonight I want to reiterate and highlight your tireless efforts that have kept our unique hillside neighborhoods and our community safe. With the partnership of the BABCNC we accomplished the Baseline Hillside Ordinance. The BABCNC was a critical part of the process working with Building and Safety to encourage better staging and haul routes. My staff and I never forget that you have shown up at monthly evening meetings instead of going home to your families. You have left work early to come downtown and speak at committee meetings and City Hall hearings to provide boots on the ground perspective. You have physically walked the group of proposed developments and poured over scores and scores of maps studied and recommended street improvements and traffic mitigation measures. You have spent hours at meetings in your local communities and then sat on Neighborhood Council committees to help the City improve its policies. As volunteers for your community you have sacrificed and showed up for many, many, many years and mentored many more to carry that responsibility forward, been yelled at by neighbors and showed them how to work with the City as community volunteers. You are an integral way for the City of this size to get things done. But, moreover, the hillside BABCNC has faced drought, fires and mudslides, development and population increase in your unique hillside neighborhoods, protecting your neighbors, wildlife and natural environment in perpetuity. Currently we are finalizing planning projects that 15 years ago seemed impossible. Issues like the Ridgeline Ordinance, the Wildlife Corridors Ordinance to place permanent protections for the residents and the environment.”

Governmental Structure and Proposed Reform

Bylaws of the BABCNC establish governmental structure of Board representation. Existing structure is consistent with Los Angeles City Charter and all applicable law. The Bylaws have been revised and subsequently approved by the Board of Neighborhood Commissions several times since certification of the BABCNC in 2003. Initially, the Board of the BABCNC was comprised principally of existing homeowner associations and other residential groups, who for years worked in cooperation to protect hillsides within the Bel Air-Beverly Crest Planning Area of the City (the “Planning Area.”)

The initial Bylaws, approved in 2003, apportioned representation on the Board among residential groups that had participated in the certification process, and if not, had a history of community involvement with issues within the Planning Area. Following certification, we were approached by, and accepted a residential group representing homeowners North of Sunset Boulevard, West of Laurel Canyon, not within the Planning Area.

In an effort to diversify its large residential constituency, the Board expended a significant outreach effort to solicit participation from non-residential interests within the Planning Area. The Board was fortunate to have as one of its founding representatives, a member of the board of the Santa Monica Mountains Conservancy, a significant landowner and protector of open spaces in the hillsides. In addition, the Board successfully gained participation from education representatives from Harvard-Westlake Middle School and John Thomas Dye School to represent private school interests, and Community Magnet Charter School to represent the public school sector. Additionally, the Board reached out to and secured participation from Stephen Wise Temple through American Jewish University to represent faith-based institutional interests within the BABCNC Stakeholder community.

The import of the foregoing is to highlight the conscientious efforts of the founding groups and individuals and the efforts undertaken to comport with the underlying Charter concepts while maintaining the longstanding functioning of the seasoned members about to be a future council. The City Charter contains elements that recognized that history.

Councilman's proposal to eliminate all but elected seats on neighborhood councils greatly impacts existing governmental structure of the Board. The BABCNC opposes this position on its face but agrees with its underlying merits. Present government structure consists of elected, selected and constituent residential Stakeholder group chosen seats. Certain residential Stakeholder Groups represented are elected via City Clerk administered election. Unlike many areas of the City, non-residential institutions situated in the hillsides generally co-exist in harmony with the surrounding communities. Participation is not always ongoing, but rather more commonly on a discrete project-by-project basis. In other words, securing participation by such non-residential interests is tenuous due to the extra-curricular nature of participation by these institutional representatives on the BABCNC on a regular basis. Accordingly, BABCNC integrates the non-residential elements by including representatives, designated and knowledgeable about the specific interest, e.g. faith-based institutions, public and private educational facilities and the few commercial interests. At Large Seats are recognized when no formal organization exists within a portion of the Community.

Residential Representation. Certain residential Stakeholder Groups represented are elected via City Clerk administered election while the remaining residential Stakeholder Groups are free to choose their BABCNC representatives throughout their own appointment or election process – the BABCNC Bylaws are silent how these residential Stakeholder Groups select their representatives. Some years ago, the BABCNC conducted a survey to determine how each residential Stakeholder Group independently chooses its BABCNC representatives. Results indicated some are “elected” by the Group’s membership at their annual meeting. In other instances, such BABCNC representatives are “elected” by the boards of the residential Stakeholder

Groups. These all promote more citizen participation in government and make government more responsive to local needs (Charter Section 900).

The BABCNC is willing to incorporate into Bylaws new standards for its “non-elected” residential Stakeholder Group Seat that comport with standards of a representative democracy. The BABCNC wishes to discuss avenues by which determination of NC representatives by constituent residential Stakeholder Groups may be preserved under the cover of “elected” representation.

Three Main Components for Opposition to Councilmember Ryu’s Proposed NC Reforms

I. Residential Stakeholder Group Representatives. Permit residential Stakeholder Groups (“Groups”) who now choose their BABCNC representatives to continue to do so, but within a framework established by the City that comports with representative democracy. Hallmarks of such framework are: (i) opportunity to run for a seat on the Board, (ii) opportunity to vote and choose such representative; (iii) accomplished through a fair, open and transparent process.

Require, if needed, demonstration that each residential Stakeholder Group organization does in-fact represent Stakeholders within the Group’s claimed territorial boundaries. This may be accomplished by a returned survey, signed petition, referendum, or the like. If results of such exercise clearly demonstrate such Group does in-fact represent lion’s share of Stakeholders within the claimed territory, such Group should be allowed to conduct their own “elections,” but which process adheres to procedures established the City.

If such results indicate such Group does not represent a requisite portion of the Stakeholders within the claimed territorial boundaries, the BABCNC agrees to create an additional At-Large, City-administered elected, seat on the Board. Such seat would be established to afford any disparate interests within such territorial boundaries the opportunity to run for a seat on the Board, as well as opportunity to elect that representative to the Board.

II. Selected Representatives. Permit continued selection of existing selected seats on the BABCNC Board, namely Private Schools K-6; Private Schools 7-12; Faith Based Institutions; and Custodians of Open Space. These seats are currently occupied by “designated” representatives of these institutional interests. Key to a representative democracy is to have representatives who truly represent the interests of the office they occupy.


If such seats were converted to elected seats, likelihood of current representatives, or others in a similar capacity, to run for such public seat is greatly diminished. It is critical to appreciate that current participation by these individuals is extra-curricular, on a volunteer basis.

If such representatives choose not to run for an elected seat, it is highly likely connection between interests for which seat exists on the Board and a successful candidate will be much more tenuous. Non-residential institutions represented on the BABCNC Board are cherished for participation, and protection of interests for which their corporate bodies exist to protect.

To illustrate, public schools and commercial enterprises are other non-residential seats on the BABCNC Board that are elected under the City-administered process. While these elected representatives are fine

individuals, they truly do not represent the interests for which the seat exists. As result, public school and commercial enterprise interests are truly not being represented on the Board. Above everything, BABCNC seeks integrity in its representation. This is best achieved by the selection process for non-residential interests within the BABCNC territory.

III. Likely De-Certification of the BABCNC. General consensus among core Board Members of the BABCNC representing the largest residential Stakeholder Groups, is to de-certify the BABCNC if the Groups they represent can no longer participate directly in the process of choosing their representatives on the BABCNC. Mindset of these representatives and their constituent organizations is to re-constitute the BABCNC as a community council. Goal would be to continue to perform the same responsibilities in a manner much like the Brentwood and Pacific Palisades Community Councils. We don't think it is in the Councilman's interest to have the BABCNC undergo de-certification and conversion to a community council under his watch, and at his doing.



Robin Greenberg, President
Bel Air-Beverly Crest Neighborhood Council

Exhibit A

Background and Details of BABCNC Formation

After attending several city-run sessions dealing with neighborhood empowerment in the February-March 2000 period, representatives of four homeowner associations who were used to working together (Bel Air, Roscomare Valley, Beverly Glen and Benedict Canyon) met to identify stakeholders. Telephone, letter, and personal meetings contacted stakeholders. Each homeowner association holds meetings, publishes a newsletter and some, such as Beverly Glen, operate a web site. A lot of BABCNC meetings was kept pertaining to the 25 meetings that the organizing group help between April of 2000 and July of 2002. Ruthie Weiss, staff of the Bel Air Association, did outreach to schools, Ken Stern, Bob Cohen, Jan Brzeski, Jerry Daniel and Steve Lukasisk did outreach to businesses. Outreach to homeowner's association ns lists a letter to the Bel Air Crest Homeowner's Association, a presentation to the Upper Hamby Hills Homeowner's Association, a meeting with the Benedict Canyon Association and 3 homeowner's association's newsletters. Steve Lukasik met with former Los Angeles Councilmember Mike Feuer as well as then-current City Councilmember Jack Weiss.

A contact list of stakeholder associations included 42 representatives of homeowner associations, one representative of the Santa Monica Mountains Conservancy; one representative of an educational institution (John Thomas Dye); four representative of local businesses: Hotel Bel Air; Beverly Glen Realty; Four Oaks Restaurant; and Bel Air Bar and Grill.

201 signatures were submitted in support of the formation of the BABCNC. Breakdown of stakeholder signer status: homeowner (97 signers), education related (6 signers), business related (10 signers), residents (6 signers), employees (20 signers), 62 signers did not indicate their stakeholder status. The applicant group, represented by Stephen Lukasik and Steve Twining agreed to postings of BABCNC meetings at the Hotel Bel Air, conducting quarterly meetings, and formulating a neighborhood council website. The Department has determined that extenuating circumstances exist thereby justifying the majority representation (30 of 42 seats for homeowner/community associations) on the BABCNC governing board.

Sunday, October 6, 2002: from Steve Lukasik: "The BABCNC certification hearing is in the American Legion Hall, 7338 Canby Avenue, Reseda, Tuesday, October 8 at 6:30 pm. The BONC meeting starts at 6:30 pm but we are the third NC to come up for certification. Those will be present our case (History of the BABCNC- Steve Lukasik), (Description of the BABCNC Neighborhood-Jerry Daniel), (BABCNC Outreach-Steve Twining), (BABCNC bylaws – Ann Beisch), (Concerns of the BABCNC- Robert Ringler).

Bel Air-Beverly Crest Neighborhood Council:

Area/Done Region 3

Proposed Name: Bel Air-Beverly Crest Neighborhood Council

Field Staff Assigned: Amber Meshack, Project Coordinator

Jamiko Bell-Potts, Sr. Project Manager

Date Application Submitted: March 15, 2002

Date of Public Hearing: October 8, 2002

General Comments: the application is complete

Boundaries: North: Mulholland Drive between I-405 and Laurel Canyon Boulevard

South: Sunset Boulevard between I-405 and Laurel Canyon Boulevard

West: Interstate 405 between Mulholland Drive and Sunset Boulevard

East: Laurel Canyon Boulevard between Mulholland Drive and Sunset Boulevard

The BABCNC boundaries are based on resident association boundaries. The BABCNC proposed inclusion of several residential streets West of Laurel Canyon Boulevard: Bulwer Drive, Willow Glen, Thames Street, Leicester Drive, Jovenita Canyon Road, Percival Place, Lucille Trail, Tavern Trail, Prospect Court, Rothdell Trail, Happy Lane, Lark Lane, Dickson Lane and Padre Lane.

The bounded area was chosen to relate to a number of existing definers: The City of Los Angeles Planning Department's Community Plan for Bel Air/Beverly Crest; geographic features, social boundaries, political boundaries, transportation patterns, and cultural division. The bounded area contains 26,636 residents, meeting and exceeding the minimum requirement of 20,000 residents.

Using US Census 2000 data, the total number of residents is 26,636. The area of the BABCNC is almost entirely residential: 96% of the population occupies single-family dwellings, 4% live in multiple family dwellings. There is very little business activity: the two largest enterprises are the Hotel Bel air, with a staff of probably 200 people and the Bel Air Country Club, with a similarly large staff. There is little industry with the following exceptions: Verizon operates a telephone exchange, a computer animation company and the Department of Water and Power operates 4 reservoirs.

The majority of people (61%) live in mid-size homes having a density of 2-3 per gross acre and have mid level incomes. A great deal of open space exists. Brush clearance and adequate fire protection is a major concern. Canyon topography limits circulation, causing significant traffic congestion. The applicant group is an ardent supporter of the Hillside Ordinance. Of the 11,809 households, 9945 (84%) are owner occupied and 1864 are tenant occupied.