



**CITY OF
LOS ANGELES
CALIFORNIA**



P.O. BOX 4670, WEST HILLS, CA 91308
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WEST HILLS NEIGHBORHOOD COUNCIL

SPECIAL BOARD MEETING MINUTES

De Toledo High School

December 6, 2023

Revised December 28, 2023

The Board shall take official action by a simple majority of yes and no votes cast by the Directors present at a duly noticed regular or special Board meeting, not to include abstentions. There shall be no proxy voting.

PRESENT: Aida Abkarian, Ian Afazeli, Faye Barta, Clarice Chavira, Carolyn Greenwood, Glenn Jennings, Randhara Kotuwelle, Vinura Kotuwelle, Jonathan Marvisi (Left 8:15 PM), Saif Mogri, Mark Neudorff (Left 7:45 PM), Penelope Newmark, Joe Ourfalian, Alejandro Phillips, Bill Rose, Char Rothstein, Miriam Schimmel, Joan Trent, Brad Vanderhoof, and Joanne Yvanek-Garb

ABSENT: Sandi Bell

President Rothstein called the meeting to order at 7:15 PM.

Secretary Brad Vanderhoof called roll and a quorum was established.

Vice President Faye Barta led the Pledge of Allegiance.

Treasurer's Report: Treasurer Carolyn Greenwood gave the report based on the September Monthly Action Report (MER). Net Available balance was \$29,307.86 at the end of September. Spending was ongoing expenses and flyers for the Halloween Event.

23-0080 -- Approval of the WHNC's September 2023 MER

Aida Abkarians - Yes	Ian Afazeli - Ineligible	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings - Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Ineligible
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Ineligible	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent – Yes	Brad Vanderhoof – Yes	Joanne Yvanek-Garb - Yes

Yes – 17, No – 0, Abstain -- 0, Absent – 1, Ineligible – 3, Recusal – 0
The MER is approved.

23-0078 -- WHNC Bylaws amendment to Bylaws Article 5 Governing Board

Char Rothstein moved to amend the motion to change the minimum quorum to thirteen (13). Bill Rose, Aida Abkarians, and Glenn Jennings seconded.

The amended Bylaw will read:

Section 2: Quorum The quorum shall be thirteen (13) Directors of the Board. No floating quorums are allowed.

Vote on the amendment:

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira – Yes	Carolyn Greenwood - Yes
Glenn Jennings – Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Yes
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Yes	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent – Yes	Brad Vanderhoof – Yes	Joanne Yvanek-Garb - Yes

Yes – 20, No – 0, Abstain -- 0, Absent – 1, Ineligible – 0, Recusal – 0

The amendment is approved

Vote on the Bylaws change:

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell – Absent	Clarice Chavira – Yes	Carolyn Greenwood - Yes
Glenn Jennings – Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Yes
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose – Yes	Char Rothstein – Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof - Yes	Joanne Yvanek-Garb - Yes

Yes – 20, No – 0, Abstain -- 0, Absent – 1, Ineligible – 0, Recusal – 0

The change is approved and will be sent to DONE.

Senior Lead Officer Report: SLO Sean Dinse introduced himself as the new SLO for southern West Hills. There have been eight arrests in the Nordstroms smash and grab robberies. SLO Dinse is trying to get a fence around the building at Shadow Ranch Park because of fire danger.

Approve Meeting Minutes of October 5, 2023 and November 2, 2023 and Special Meeting Minutes of November 30, 202: Minutes approved.

Controller’s Report: Controller Saif Mogri gave the report and said it matches with the City to the end of November. The WHNC has spent \$9,203.78 year to date.

Public Comment:

Chris Rowe said the trees at Shadow Ranch Park could cause a major fire.

Announcements:

Colin Crews, Field Deputy, CD12, said streets around Keswick were recently resurfaced and work on March starts tomorrow.

SLO Dinse said Public Works has a project to install cameras at parks.

Comments from the Co-Chair(s): President Rothstein announced the resignation of Myrl Schreibman from the WHNC Board of Directors.

Mark Neudorff left the meeting at 7:45 PM.

23-0076 -- WHNC Bylaws Amendment to Bylaws Article 7 Committees and Their Duties

Saif Mogri moved to amend the Bylaws change to eight (8) mandatory meetings for all standing committees. Jonathan Marvisi seconded.

The amended Bylaw will read:

All standing committees shall meet at a minimum of eight (8) times per calendar year and shall invite the participation of stakeholders.

Vote on the amendment:

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings – Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Absent
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Yes	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof - Yes	Joanne Yvanek-Garb - Yes

Yes – 19, No – 0, Abstain -- 0, Absent – 2, Ineligible – 0, Recusal – 0

The amendment is approved

Vote on the Bylaws change:

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings - Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Absent
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Yes	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof – Yes	Joanne Yvanek-Garb - Yes

Yes – 19, No – 0, Abstain -- 0, Absent – 2, Ineligible – 0, Recusal – 0

The Bylaws change is approved.

23-0077 – WHNC Bylaws amendment to Bylaws Article 13 Amendments

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings – Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Absent
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Yes	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof – Yes	Joanne Yvanek-Garb - Yes

Yes – 20, No – 0, Abstain -- 0, Absent – 2, Ineligible – 0, Recusal – 0
The Bylaws change is approved.

23-0081 -- Approval of Request for \$1,700.00 by the Communications Committee to Purchase Promotional Items for Outreach Events (Pens and Bags)

Aida Abkarians - Yes	Ian Afazeli - Ineligible	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings – Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri – Yes	Mark Neudorff - Absent
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Ineligible	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof - Yes	Joanne Yvanek-Garb - Yes

Yes – 17, No – 0, Abstain -- 0, Absent – 2, Ineligible – 2, Recusal – 0
The expenditure is approved.

23-0082 – Approval of Event Approval Form and Budget in the Amount of \$3,525.00 for the Special Events Committee’s Senior’s Valentine’s Day Dinner Dance to be held at Chaminade College Preparatory, Bob Hope Center located at 7500 Chaminade Avenue, West Hills, on February 14, 2024
The date of the event was corrected from the agenda.

Aida Abkarians - Yes	Ian Afazeli – Ineligible	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings – Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Absent
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Ineligible	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof - Yes	Joanne Yvanek-Garb - Yes

Yes – 17, No – 0, Abstain -- 0, Absent – 2, Ineligible – 2, Recusal – 0
The Event Approval Form and Budget are approved.

23-0090 -- Filling of a Vacant Seat on the West Hills Neighborhood Council Board
The candidates (Denyse Holloway, Noe Loera, Carolyn Poppert, and Xhelbert Zohrabianeach) each spoke for two minutes.
The vacancy Committee recommended Carolyn Poppert.

Jonathan Marvisi left the meeting at 8:15 PM.

Aida Abkarians - Poppert	Ian Afazeli - Poppert	Faye Barta - Poppert
Sandi Bell - Absent	Clarice Chavira - Poppert	Carolyn Greenwood - Poppert
Glenn Jennings – Poppert	Randhara Kotuwelle – Poppert	Vinura Kotuwelle - Poppert
Jonathan Marvisi - Absent	Saif Mogri - Poppert	Mark Neudorff - Absent
Penelope Newmark – Poppert	Joe Ourfalian – Poppert	Alejandro Phillips - Poppert
Bill Rose - Poppert	Char Rothstein - Poppert	Miriam Schimmel - Poppert
Joan Trent - Abstain	Brad Vanderhoof - Zohrabian	Joanne Yvanek-Garb – Poppert

Carolyn Poppert – 17	Zhelbert Zohrabian – 1	Denyse Holloway – 0
Noe Loera – 0	Abstain – 1	Absent – 3

Carolyn Poppert has been named to the WHNC Board of Directors for a term ending in 2025 and will be sworn in at the January meeting.

23-0091 - Filling a Vacant Seat on the West Hills Neighborhood Council Board
The vacancy Committee recommended Denyse Holloway.

The first vote resulted in a run-off between Noe Loera and Zhelbert Zohrabian

The first runoff was a tie.

Second Runoff Vote

Aida Abkarians - Zohrabian	Ian Afazeli - Zohrabian	Faye Barta - Loera
Sandi Bell - Absent	Clarice Chavira - Loera	Carolyn Greenwood - Loera
Glenn Jennings – Zohrabian	Randhara Kotuwelle – Zohrabian	Vinura Kotuwelle - Zohrabian
Jonathan Marvisi - Absent	Saif Mogri - Loera	Mark Neudorff - Absent
Penelope Newmark – Zohrabian	Joe Ourfalian – Zohrabian	Alejandro Phillips - Loera
Bill Rose - Loera	Char Rothstein - Loera	Miriam Schimmel - Loera
Joan Trent - Zohrabian	Brad Vanderhoof – Zohrabian	
Joanne Yvanek-Garb – Zohrabian		

Zhelbert Zohrabian – 10, Noe Loera – 8 Abstain – 0 Absent – 3

Zhelbert Zohrabian has been named to the WHNC Board of Directors for a term ending in 2027 and will be sworn in at the January meeting.

23-0092 – Appointment of Board Member Miriam Schimmel to Chair the WHNC Special Events Committee

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings – Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Absent	Saif Mogri - Yes	Mark Neudorff - Absent
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Yes	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof - Yes	Joanne Yvanek-Garb - Yes

Yes – 18, No – 0, Abstain -- 0, Absent – 3, Ineligible – 0, Recusal – 0

The appointment is approved.

23-0093 – Appointment of board member Clarice Chavira to Chair the WHNC Streets & Transportation Committee

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings – Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Absent	Saif Mogri - Yes	Mark Neudorff - Absent
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Yes	Char Rothstein – Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof - Yes	Joanne Yvanek-Garb - Yes

Yes – 18, No – 0, Abstain -- 0, Absent – 3, Ineligible – 0, Recusal – 0

The appointment is approved.

Public Comment:

Chris Rowe asked that all committees have Zoom available for meetings and that meetings be cancelled between Christmas and New Year.

23-0087 - Community Impact Statement regarding Council File 23-1114; Los Angeles Neighborhood Councils / SB 411 / Teleconferencing / Remote Meetings/Brown Act Modification / California Government Code / COVID-19 Pandemic (Soto, Martinez-Hutt):

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Absent	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings - Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Absent
Penelope Newmark – Yes	Joe Ourfalian – Yes	Alejandro Phillips - Yes
Bill Rose - Yes	Char Rothstein - Yes	Miriam Schimmel - Yes
Joan Trent - Yes	Brad Vanderhoof - Yes	Joanne Yvanek-Garb - Yes

Yes – 19, No – 0, Abstain -- 0, Absent – 3, Ineligible – 0, Recusal – 0

The CIS is approved.

Board member Alejandro Phillips resigned from the WHNC Board of Directors.

President Rothstein accepted his resignation.

The vacancy will be posted and the application period opened.

President Char Rothstein adjourned the meeting at 9:15 PM.



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WEST HILLS NEIGHBORHOOD COUNCIL

BOARD ONLINE AND TELEPHONIC MEETING MINUTES

Thursday, October 5, 2023

Revised October 6, 2023

The Board shall take official action by a simple majority of yes and no votes cast by the Directors present at a duly noticed regular or special Board meeting, not to include abstentions. There shall be no proxy voting.

PRESENT: Aida Abkarians (left early), Ian Afazeli, Faye Barta, Sandi Bell, Clarice Chavira (arrived 7:15 PM), Carolyn Greenwood, Glenn Jennings, Randhara Kotuwelle, Vinura Kotuwelle, Jonathan Marvisi, Saif Mogri, Mark Neudorff, Joe Ourfalian, Alejandro Phillips, Steve Randall, Bill Rose, Myrl Schreibman, Joan Trent, Brad Vanderhoof, and Joanne Yvanek-Garb

ABSENT: Sriya Datla, Penelope Newmark, Char Rothstein, Miriam Schimmel, and Azarine Rushenas

Vice President Faye Barta called the meeting to order at 7:07 PM.

Secretary Brad Vanderhoof called roll and established quorum.

Vice President Faye Barta led the Pledge of Allegiance.

The meeting minutes from September 7, 2023 were approved.

Senior Lead Officer Report:

SLO Garza said Patrol Captain Kelly has moved on to another position and Captain Payton will take over. Captain Payton introduced himself.

SLO Garza said the Deputy mayor Karren Lane will speak at the Topanga Station Community Meeting on Tuesday at 6:00 PM.

Myrl Schreibman said the Special Events Committee is planning an active shooter event in January.

Los Angeles Fire Department:

Battalion Commander Mullen said to stay hydrated in the hot weather. Lithium batteries have been the cause of many incidents across the country. They can become explosive if overheated. If you notice a problem or a battery smoking, stay away and clear the room or area as the smoke is extremely hazardous. Keep devices with lithium batteries cool and dry.

Treasurer's Report:

Treasurer Carolyn Greenwood said the expenditures for August were mostly usual expenses with badges for new members and an invoice for the election from El Camino for space rental. Net available funds at the end of August were \$31,689.75

23-0068 - Approval of the WHNC's August 2023 Monthly Expenditure Report (MER):

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Yes	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings - Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Ineligible
Joe Ourfalian – Yes	Penelope Newmark – Absent	Alejandro Phillips - Yes
Steve Randall - Yes	Bill Rose - Ineligible	Char Rothstein - Absent
Miriam Schimmel - Absent	Myrl Schreibman - Yes	Joan Trent - Yes
Brad Vanderhoof – Yes	Joanne Yvanek-Garb - Yes	

Yes – 18, No – 0, Abstain -- 0, Absent – 3, Ineligible – 2, Recusal – 0
The MER is approved.

Controller's Report:

Controller Saif Mogri said September expenditures are the usual with Special Events spending \$282.52 for the Halloween event. Total expenditures were \$525.29 and this figure matches the City website.

Comments From the Co-Chair(s):

Vice President Faye Barta announced there are two vacant seats on the WHNC Board of Directors and the application period will open for 30 days.

Announcements:

Myrka Martinez, District Director, Council District 12, gave an update from CD12.

Prabhjot Chamber, Neighborhood Empowerment Advocate, Department of Neighborhood Empowerment, said the Robert's Rules of Order training portal has been re-launched and credentials were sent to Board members. Atziri Camerena is the contact for login problems. The Bylaws training (happening concurrently with this meeting) recording will be available soon. SB411 has not yet been signed by the Governor.

Presentation Earthquake Safety:

Randhara Kotuwelle gave the presentation. The slides are available on the Public Safety & Emergency Preparedness Committee page at www.westhillsnc.org link at [Earthquake Safety EP Meeting 9/20/23 \(westhillsnc.org\)](#)

Public Comment:

Chris Rowe asked if Board members can vote without current ethics training. NEA Prabhjot Chamber said ethics training is required.

Announcements:

Glenn Bailey, Budget Advocates, said there will probably be a significant increase in the solid waste charge on DWP bills due to the issue of bonds. The Budget Advocates will meet with city departments soon so now is the time to send comments or ask to join committees. Contact at [HOME | Budgetadvocates](#)

The Valley Alliance of Neighborhood Councils will host Heather Santos, Executive Officer to the City Clerk in charge of NC funding at the October meeting. The Deputy Mayor will be at the November meeting.

New Business:

23-0070 - Purchase of 500 WHNC Logo Bag Clips in the total amount of \$825.00:

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Yes	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings - Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Abstain
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Ineligible
Joe Ourfalian – Yes	Penelope Newmark – Absent	Alejandro Phillips - Yes
Steve Randall - Yes	Bill Rose - Ineligible	Char Rothstein - Absent
Miriam Schimmel - Absent	Myrl Schreiberman - Yes	Joan Trent - Yes
Brad Vanderhoof – Yes	Joanne Yvanek-Garb - Yes	

Yes – 17, No – 0, Abstain -- 1, Absent – 3, Ineligible – 2, Recusal – 0
The spending request is approved.

23-0071 - Approval of request for \$3,525.00 by the Special Events Committee for the Senior Valentine’s Dance:

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Yes	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings - Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Ineligible
Joe Ourfalian – Yes	Penelope Newmark – Absent	Alejandro Phillips - Yes
Steve Randall - Yes	Bill Rose – Ineligible	Char Rothstein - Absent
Miriam Schimmel - Absent	Myrl Schreiberman - Yes	Joan Trent - Yes
Brad Vanderhoof – Yes	Joanne Yvanek-Garb - Yes	

Yes – 18, No – 0, Abstain -- 0, Absent – 3, Ineligible – 2, Recusal – 0
The spending request is approved.

23-0072 – Approval of the Event Approval Form and budget in the amount of \$50.00 for the WHNC Beautification Committee Clean-Up Event to be held at Platt Avenue / Sherman Way intersection to Highlander Road on October 21, 2023 from 8:30 AM to 11:30 AM:

Aida Abkarians - Yes	Ian Afazeli - Yes	Faye Barta - Yes
Sandi Bell - Yes	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings - Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Ineligible
Joe Ourfalian – Yes	Penelope Newmark – Absent	Alejandro Phillips - Yes
Steve Randall - Yes	Bill Rose - Ineligible	Char Rothstein - Absent
Miriam Schimmel - Absent	Myrl Schreiberman - Yes	Joan Trent - Yes
Brad Vanderhoof - Yes	Joanne Yvanek-Garb - Yes	

Yes – 18, No – 0, Abstain -- 0, Absent – 3, Ineligible – 2, Recusal – 0
The event approval and spending request are approved.

23-0073 - Purchase of an Omnidirectional Conference Microphone/Speaker to Enable Better Zoom Meetings in the total amount of \$100.00:

Aida Abkarians - Yes	Ian Afazeli – Yes	Faye Barta - Yes
Sandi Bell - Yes	Clarice Chavira - Yes	Carolyn Greenwood - Yes
Glenn Jennings - Yes	Randhara Kotuwelle – Yes	Vinura Kotuwelle - Yes
Jonathan Marvisi - Yes	Saif Mogri - Yes	Mark Neudorff - Ineligible
Joe Ourfalian – Yes	Penelope Newmark – Absent	Alejandro Phillips - Yes

Steve Randall - Yes
Miriam Schimmel - Absent
Brad Vanderhoof - Yes

Bill Rose - Ineligible
Myrl Schreiberman - Yes
Joanne Yvanek-Garb - Yes

Char Rothstein - Absent
Joan Trent - Yes

Yes – 18, No – 0, Abstain -- 0, Absent – 3, Ineligible – 2, Recusal – 0
The spending request is approved.

23-0074 - Removal of Sriya Datla from the WHNC Youth Advisory Seat:

Aida Abkarians - Yes
Sandi Bell - Yes
Glenn Jennings - Yes
Jonathan Marvisi - Yes
Joe Ourfalian – Yes
Steve Randall - Yes
Miriam Schimmel - Absent
Brad Vanderhoof - Yes

Ian Afazeli - Yes
Clarice Chavira - Yes
Randhara Kotuwelle – Yes
Saif Mogri - Yes
Penelope Newmark – Absent
Bill Rose - Ineligible
Myrl Schreiberman - Yes
Joanne Yvanek-Garb - Yes

Faye Barta - Yes
Carolyn Greenwood - Yes
Vinura Kotuwelle - Yes
Mark Neudorff - Ineligible
Alejandro Phillips - Yes
Char Rothstein - Absent
Joan Trent - Yes

Yes – 18, No – 0, Abstain -- 0, Absent – 3, Ineligible – 2, Recusal – 0
The removal is approved.

23-0075 - Removal of Azarine Rushenas from the WHNC Youth Advisory Seat:

Aida Abkarians - Yes
Sandi Bell - Yes
Glenn Jennings - Yes
Jonathan Marvisi - Yes
Joe Ourfalian – Yes
Steve Randall - Yes
Miriam Schimmel - Absent
Brad Vanderhoof – Yes

Ian Afazeli - Yes
Clarice Chavira - Yes
Randhara Kotuwelle – Yes
Saif Mogri - Yes
Penelope Newmark – Absent
Bill Rose - Ineligible
Myrl Schreiberman - Yes
Joanne Yvanek-Garb - Yes

Faye Barta - Yes
Carolyn Greenwood - Yes
Vinura Kotuwelle - Yes
Mark Neudorff - Ineligible
Alejandro Phillips - Yes
Char Rothstein - Absent
Joan Trent - Yes

Yes – 18, No – 0, Abstain -- 0, Absent – 3, Ineligible – 2, Recusal – 0
The removal is approved.

23-0076 - First reading of a WHNC Bylaws amendment to Bylaws Article 7 Committees and Their Duties:
Board Secretary and Bylaws Committee Chair Brad Vanderhoof read the amendment.

23-0077 - First reading of a WHNC Bylaws amendment to Bylaws Article 13 Amendments: Board Secretary and Bylaws Committee Chair Brad Vanderhoof read the amendment.

23-0078 – First reading of a WHNC Bylaws amendment to Bylaws Article 5 Governing Board: Board Secretary and Bylaws Committee Chair Brad Vanderhoof read the amendment.

23-0079 - CIS on Council File 22-0039 regarding an investigation by LADWP on the pros and cons of the Scattergood Green Hydrogen Project:

Aida Abkarians - Absent
Sandi Bell - Yes
Glenn Jennings - Yes
Jonathan Marvisi - Yes
Joe Ourfalian – Yes
Steve Randall - Yes
Miriam Schimmel - Absent

Ian Afazeli - Yes
Clarice Chavira - Yes
Randhara Kotuwelle – Yes
Saif Mogri - Yes
Penelope Newmark – Absent
Bill Rose - Ineligible
Myrl Schreiberman - Yes

Faye Barta - Yes
Carolyn Greenwood - Yes
Vinura Kotuwelle - Yes
Mark Neudorff - Ineligible
Alejandro Phillips - Yes
Char Rothstein - Absent
Joan Trent - Yes

Brad Vanderhoof - Yes

Joanne Yvanek-Garb - Yes

Yes – 17, No – 0, Abstain -- 0, Absent – 4, Ineligible – 2, Recusal – 0

The spending request is approved.

23-0069 – Approval of tabling at the CD12 Movie Night at Shadow Ranch Park to be held on October 28, 2023:

The film is the animated movie COCO.

Aida Abkarians - Absent

Ian Afazeli - Yes

Faye Barta - Yes

Sandi Bell - Yes

Clarice Chavira - Yes

Carolyn Greenwood - Yes

Glenn Jennings - Yes

Randhara Kotuwelle – Yes

Vinura Kotuwelle - Yes

Jonathan Marvisi - Yes

Saif Mogri - Yes

Mark Neudorff - Ineligible

Joe Ourfalian – Yes

Penelope Newmark – Absent

Alejandro Phillips - Yes

Steve Randall - Yes

Bill Rose - Ineligible

Char Rothstein - Absent

Miriam Schimmel - Absent

Myrl Schreibman - Yes

Joan Trent - Yes

Brad Vanderhoof - Yes

Joanne Yvanek-Garb - Yes

Yes – 17, No – 0, Abstain -- 0, Absent – 4, Ineligible – 2, Recusal – 0

Tabling at the event is approved.

Vice President Faye Barta adjourned the meeting at 8:30 PM.



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WEST HILLS NEIGHBORHOOD COUNCIL

BOARD ONLINE AND TELEPHONIC DRAFT MEETING MINUTES

November 2, 2023

Revised November 29, 2023

The Board shall take official action by a simple majority of yes and no votes cast by the Directors present at a duly noticed regular or special Board meeting, not to include abstentions. There shall be no proxy voting.

PRESENT: Aida Abkarian, Ian Afazeli, Faye Barta, Sandi Bell, Clarice Chavira, Carolyn Greenwood, Glenn Jennings, Randhara Kotuwelle, Vinura Kotuwelle, Jonathan Marvisi, Mark Neudorff, Bill Rose, Char Rothstein, Miriaam Schimmel, Joan Trent, Brad Vanderhoof, and Joanne Yvanek-Garb

ABSENT: Saif Mogri, Penelope Newmark, Joe Ourfalian, Alejandro Phillips, and Myrl Schreiber

President Rothstein called the meeting to order at 7:15 PM.

Secretary Brad Vanderhoof called roll and;

A QUORUM WAS NOT ESTABLISHED.

Vice President Faye Barta led the Pledge of Allegiance.

Comments From the Co-Chair(s):

President Rothstein said there are currently three vacant seats on the WHNC Board of Directors.

Announcements:

Prabhjot Chamber, Neighborhood Empowerment Advocate, Department of Neighborhood Empowerment, said a vote of 2/3 of the total board sat is required to hold virtual meetings under SB411.

Glenn Bailey, Budget Advocates, said the November report should be out in a day or two and City Department budget requests are due by November 17.

Public Comment:

Jeff Satcher said all public meetings should be available virtually and he will request that this be mandatory and recordings of meetings also be mandatory.

Chris Rowe said she would like hybrid meetings and recordings.

Glenn Bailey said at the next Valley Alliance of Neighborhood Councils meeting; the Mayor's Deputy of Civic Engagement and LAUSD Superintendent Scott Schmerelson will speak.

Committee Reports:

The Government Relations Committee will meet on November 8 at 6:00 PM.

The Operations Committee meeting will be replaced with a special Board meeting. Location TBD.

Miriam Schimmel will co-chair the Vacancy Committee.

President Rothstein said the Halloween Houses event was fabulous.

President Char Rothstein adjourned the meeting at 7:50 PM.



CITY OF
LOS ANGELES
CALIFORNIA



P.O. BOX 4670, WEST HILLS, CA 91308
WWW.WESTHILLSNC.ORG
MAIL@WESTHILLSNC.ORG

WEST HILLS NEIGHBORHOOD COUNCIL

BOARD ONLINE AND TELEPHONIC MEETING MINUTES

de Toledo High School

November 30, 2023

Revised December 3, 2023

The Board shall take official action by a simple majority of yes and no votes cast by the Directors present at a duly noticed regular or special Board meeting, not to include abstentions. There shall be no proxy voting.

PRESENT: Aida Abkarian, Ian Afazeli, Faye Barta, Sandi Bell, Clarice Chavira, Carolyn Greenwood, Glenn Jennings, Randhara Kotuwelle, Jonathan Marvisi, Saif Mogri, Mark Neudorff, Bill Rose, Char Rothstein, Miriaam Schimmel, Joan Trent, and Brad Vanderhoof

ABSENT: Vinura Kotuwelle, Penelope Newmark, Joe Ourfalian, Alejandro Phillips, and Joanne Yvanek-Garb

President Rothstein called the meeting to order at 7:27 PM.

Secretary Brad Vanderhoof called roll and;

A QUORUM WAS NOT ESTABLISHED.

Vice President Faye Barta led the Pledge of Allegiance.

Comments From the Co-Chair(s):

President Rothstein thanked everyone for attending the meeting and said two more vacancies will be announced at the meeting on December 6th.

Announcements: None

Public Comment:.

Chris Rowe said the Hyperion sewage treatment plant monitors waste for new strains of Covid and the levels are currently high. She recommended masking at NC meetings.

President Char Rothstein adjourned the meeting at 8:00 PM.

Agenda Item 23-0076 - Discussion and possible action regarding WHNC Bylaws amendment to Bylaws Article 7 Committees And Their Duties

ARTICLE VII COMMITTEES AND THEIR DUTIES

Current Bylaw

All standing committees shall meet at a minimum of nine (9) times per calendar year and shall invite the participation of stakeholders.

Proposed revision

All standing committees shall meet at a minimum of nine (9) times per calendar year and shall invite the participation of stakeholders. The exceptions are the Budget, Bylaws, Operations, Youth and Education, and Public Health which shall meet a minimum of eight (8) times per calendar year and invite the participation of stakeholders.

This was approved by the Bylaws Committee by a vote of; Yes – 11, No – 0, Abstain – 0, Absent – 5, on March 22, 2023

Agenda Item 23-0077 - Discussion and possible action regarding WHNC Bylaws amendment to Bylaws Article 13 Amendments

ARTICLE XIII AMENDMENTS

Current Bylaw

Any Board member or Stakeholder may propose amendments to these Bylaws in writing during a regular meeting of the Board. These proposals shall be reviewed by the WHNC an Ad Hoc Bylaws Committee, which shall provide recommendations to the WHNC.

Proposed Revision

Any Board member or Stakeholder may propose amendments to these Bylaws during a meeting of the WHNC Bylaws Committee.

This was approved by the Bylaws Committee by a vote of; Yes – 10, No – 0, Abstain – 1, Absent – 5 on March 22, 2023

Agenda Item 23-0078 - Discussion and possible action regarding WHNC Bylaws amendment to Bylaws Article 5 Governing Board

Proposed Bylaws Amendment

ARTICLE V GOVERNING BOARD The Board of Directors (or “the Board”) shall be the governing body of the WHNC within the meaning of that term.

Section 1: Composition

The WHNC Board shall consist of twenty-five (25) Directors (or Board Members) elected by the stakeholders on an “at-large” basis. The Board shall not include more than four (4) Directors who do not live, work, or own property in West Hills.

Section 2: Quorum

The quorum shall be ~~eighteen (18)~~ fifteen (15) Directors of the Board. No floating quorums are allowed.

Yes – 7, No – 1, Abstain – 0, Absent – 4, Recusal – 0

Approved by the WHNC Bylaws Committee on September 27, 2023

Agenda Item 23-0080 - Discussion and possible action regarding approval of the WHNC's September 2023 Monthly Expenditure Report (MER)

Monthly Expenditure Report



Reporting Month: September 2023 Budget Fiscal Year: 2023-2024

NC Name: West Hills Neighborhood Council

Monthly Cash Reconciliation					
Beginning Balance	Total Spent	Remaining Balance	Outstanding	Commitments	Net Available
\$33046.35	\$1881.89	\$31164.46	\$1856.60	\$0.00	\$29307.86

Monthly Cash Flow Analysis					
Budget Category	Adopted Budget	Total Spent this Month	Unspent Budget Balance	Outstanding	Net Available
Office	\$33261.91	\$1599.37	\$27564.46	\$1356.60	\$26207.86
Outreach		\$282.52		\$0.00	
Elections		\$0.00		\$0.00	
Community Improvement Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Neighborhood Purpose Grants	\$3600.00	\$0.00	\$3600.00	\$500.00	\$3100.00
Funding Requests Under Review: \$0.00		Encumbrances: \$0.00		Previous Expenditures: \$3815.56	

Expenditures						
#	Vendor	Date	Description	Budget Category	Sub-category	Total
1	THE WEB CORNER, INC	09/01/2023	Monthly Maintenance for WHNC	General Operations Expenditure	Office	\$150.00
2	MINUTEMAN PRESS	09/02/2023	WHNC-2324-001Flyers and posters for the Halloween House Event	General Operations Expenditure	Outreach	\$282.52
3	DNH GODADDY.COM	09/20/2023	WHNC Domain renewal	General Operations Expenditure	Office	\$23.17
4	RACKSPACE EMAIL & APPS	09/22/2023	WHNC Board email service	General Operations Expenditure	Office	\$69.60
5	APPLEONE EMPLOYMENT SERVICES	08/31/2023	WHNC Executive Assistant	General Operations Expenditure	Office	\$1356.60
Subtotal:						\$1881.89

Outstanding Expenditures						
#	Vendor	Date	Description	Budget Category	Sub-category	Total

1	HAMLIN CHARTER	10/05/2023	Proxy Payment to re-issue check from FY21-22 that was never received by Hamlin Charter. Approval of an NPG in the amount of \$500 to Hamlin Elementary for a variety of sensory items to he...	Neighborhood Purpose Grants		\$500.00
2	APPLEONE EMPLOYMENT SERVICES	10/11/2023	Executive Assistant	General Operations Expenditure	Office	\$1356.60
Subtotal: Outstanding						\$1856.60

**WEST HILLS NEIGHBORHOOD COUNCIL
CONTROLLER'S REPORT 10/31/23**

	Item	Committee	Purpose	Budget	Balance	July	Aug	Sept	Oct	Total Spent
	Neighborhood Purpose Grants (NPG's)									
23		Youth and Education	NPG's	\$3,600.00	\$3,100.00				\$500.00	\$500.00
					\$0.00					
18A		Homelessness	NPG's							
		Total								\$0.00
	Community Improvement Projects (CIP's)									
20A		Streets&Transportation	CIP's		\$0.00					
24		Beautification	Cleanups							\$0.00
25		Beautification	Special Events							
	GRAND TOTAL			\$36,861.91	\$27,658.13	\$1,949.73	\$3,222.43	\$525.29	\$3,506.33	\$9,203.78
	ALLOWED BUDGET			\$32,000.00						
26	Clean Street Grant			\$1,324.83						
	Rollover			\$4,861.91						
	GRAND TOTAL			\$36,861.91						

**WEST HILLS NEIGHBORHOOD COUNCIL
CONTROLLER'S REPORT 11/30/23**

	Item	Committee	Purpose	Budget	Balance	July	Aug	Sept	Oct	Nov	Total Spent
	Neighborhood Purpose Grants (NPG's)										
23		Youth and Eduction	NPG's	\$3,600.00	\$3,100.00				\$500.00		\$500.00
18A		Homelessness	NPG's								
		Total									\$0.00
	Community Improvement Projects (CIP's)										
20A		Streets&Transportation	CIP's								
24		Beautification	Cleanups								\$0.00
25		Beautification	Special Events								
	GRAND TOTAL			\$36,861.91	\$15,147.65	\$3,899.46	\$6,444.86	\$1,050.58	\$6,512.66	\$3,806.70	\$21,714.26
	ALLOWED BUDGET			\$32,000.00							
26	Clean Street Grant			\$1,324.83							
	Rollover			\$4,861.91							
	GRAND TOTAL			\$36,861.91							

Agenda Item 23-0081 - Discussion and possible action regarding approval of request for \$1,700.00 by the Communications Committee to purchase promotional items for outreach events (Pens and Bags)

Hi.

Attached is the quote for the bags

Drawstring backpacks - Qty - 250 - \$ 2.250 each and QTy - 500 - \$ 2.10 each

Set up fee \$ 50.00

Grocery Tote bags 3407- Qty - 500 - \$ 1.90 each and Qty - 1000 - \$ 1.75 each

Set up fee \$ 50.00

Thank you

--

PROOFING NOTICE: Please carefully review any artwork proof attached to this email. Please check all spelling, formatting, fonts, and imagery. If changes are required, please submit them promptly. If artwork is approved for print, please respond with, "**OK TO PRINT AS IS**". Once approval has been given, there can be **NO CHANGES** made to artwork or quantity.

Due to the current situation, we may experience delays in processing orders.

WEST HILLS NEIGHBORHOOD COUNCIL

Spending Request Form

Please print legibly or type

Date of submission:

Committee Name:

Chairperson/Stakeholder:

Date Approved by Committee:

Phone:

Email:

Event/Activity

Total Amount Requested:

Budget Line Item:

Justification for request. This must include a statement about how the event/activity benefits the stakeholders of West Hills.

(Attach additional pages if necessary)

List all expense items, quantities, and amounts:

Item & Quantity	Amount
<input type="text" value="WHNC logo grocery tote bags -- Quantity 500"/>	<input type="text" value="\$1100"/>
<input type="text" value="WHNC logo pens -- Quantity 500"/>	<input type="text" value="\$600"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

For Budget Committee/Controller Use Only:

Committee Approved

Budget Approved

Board Approved



NEIGHBORHOOD COUNCIL EVENT APPROVAL REQUEST FORM

Office of the City Clerk – Neighborhood Council Funding Program
200 N. Spring Street, Rm 224, Los Angeles, CA 90012 • (213) 978-1058 or Toll-Free 3-1-1
E-mail: Clerk.NCFunding@LACity.org • www.Clerk.LACity.org

Events are great opportunities for Neighborhood Councils to interact with their stakeholders. There are, however, liability and permitting issues that must be handled prior to the event. The Office of the City Clerk, Administrative Services Division, NC Funding Program Section must approve all Neighborhood Council sponsored events before any payments can be processed.

Please complete, sign, and submit this form at least 30 days prior to your event. Missing or incomplete required information or documents will delay review.

Neighborhood Council: WEST HILLS

The Neighborhood Council is the Main Sponsor or Co-Sponsor for the event.

Main sponsor: WHNC Special Events Committee

Contact Person: Steve Randall

Phone: (818) 340-4700 Email: stevekr2000@aol.com

Co-Sponsor (if applicable): John Lee Council District 12

Contact Person: Ron Rubine

Phone: (818) 882-1212 Email: ron.rubine@lacity.org

Event Information

Event Title and Description: Senior Valentine's Day Dinner Dance-

Provides a Valentine's Day dinner and dance for local seniors who may otherwise be unable to afford going out.

Date: 02/14/2024 Time Frame: 7:00 PM-9:30 PM Est. number of attendees: 200 Event Budget: \$ 3525.00

Venue Name: Chaminade College Preparatory Bob Hope Center

Venue Address: 7500 Chaminade Avenue West Hills, CA 91304

Contact Person: Janet Koller or Elizabeth Gluvna

Phone: (818) 360-4211 Email: jkoller@chaminade.org & egluvna@chaminade

Please note: If the venue for the event is at a City or public facility, e.g. park, school, the venue approval may be easier and at little or no cost. If the venue for the event is not a City facility, a separate contract may be needed and can take up to 60 days to complete.

Please scan the following documents and email to Clerk.NCFunding@lacity.org for approval PRIOR to event:

- Neighborhood Council Event Approval Form – Signed by Treasurer, 2nd Signer or Event Chair
- Board Action Request (BAC) Form – Completed and signed by Treasurer and 2nd Signer, or Alternate Signer
- Itemized Detailed Event Budget – Total budget with funding categories (food, entertainment, flyers, permits, etc.) and with specific vendors if available.

If a bank card credit limit increase will be necessary to pay for expenditures for this event, please contact your Funding Program Representative to submit a request to increase applicable limits.

The City of Los Angeles provides Neighborhood Councils with event liability coverage in the amount of \$5 million. Depending on the type of event, there may be additional permits and liability issues that must be addressed prior to the event, or the Neighborhood Council will be liable for any penalties or injuries incurred at the event. There may be fees attached to obtaining permits and additional liability so please budget accordingly. It may be easier to partner with the City family or a community based organization or even hire an event planner (will require a contract prepared by the Department) so that they can obtain/handle the necessary permits and liability issues instead. The following must be obtained and submitted **PRIOR TO THE EVENT** if they are applicable to your event:

If FOOD is being purchased/provided/distributed/served at your event, you may be required to obtain the following PERMITS:

- LA County Public Health Department Permits – Community Event Organizer and Temporary Food Facility permits may be required. Permit fees may be waived by the County if requested.
- LA Fire Department – Permit may be necessary for temporary structures setup to prep/cook/serve food.

CERTIFICATES OF INSURANCE, SERVICE AGREEMENTS, and/or FACILITY USE PERMITS from Vendors providing the following types of services. Insurance Certificates need to list the "City of Los Angeles" as Additional Insured.

- Jumpers/Bouncers (Inflatables) – City Risk Management may need to review
- Games (e.g. dunk tank, other carnival style games, video game bus)
- Food (purchased, provided, distributed and/or served)
- Entertainers (e.g. DJs, musicians, face painting, balloon artists, etc.)
- Equipment Rentals (e.g. performing stage, mechanical rides, canopies)
- Event Venues (e.g. school auditoriums, private theaters and halls, parks, street block, etc.)

If RENTING a vehicle or truck to transport event materials:

- Renting and driving of vehicle/truck must be by a board member
- Additional Insurance offered by the rental company must be purchased in full

ADDITIONAL PERMITS may be required if the event has:

- Over 500 attendees, which may require LAPD presence - LAPD Special Events
- Street closures for block parties - Bureau of Street Services or LADOT for larger street closures, such as a parade
- Tents/canopies larger than 450 square feet or stages/platforms more than 30 inches above grade - Building and Safety

CONTACT INFORMATION for possible permits:

- Street Maintenance - (213) 847-2999
- Building and Safety - (213) 482-0387
- LADOT (Traffic Officers) - (323) 913-4652
- LADOT (Signs) - (213) 485-2298
- LADOT (Special Operations) - (323) 224-2124
- Risk Management - (213) 978-7475
- LAPD - (213) 486-0410
- LAFD – (213)-978-3640
- Sanitation - (213) 485-3612
- Street Services - <http://bsspermits.lacity.org/spevents/>
- LA County Public Health Dept. - <http://publichealth.lacounty.gov>

Documents to be submitted to NC Funding Program and filed for you records:

- Neighborhood Council Event Approval Form – Signed by Treasurer, 2nd Signer, Event Chair.
- Board Action Certification (BAC) Form – Completed and signed by Treasurer and 2nd Signer, or Alternate Signer
- Itemized Detailed Event Budget – Final total budget with funding categories and specific vendors.
- Vendor Invoices and Service/Facility Use Agreements
- Copies of Insurance Certificates
- Copies of Permits
- Proof of Sponsorships (e.g. event flyers, webpage copy, etc.)
- W-9 (for 1099 Individual Services (if applicable))

I have read and understand the requirements set forth in this document and agree to comply with the required paperwork necessary for Neighborhood Council events.

Signature:  Date: 10/20/2023

Print Name: STEVE RANDALL Title: Special Events Committee Co-Chair

Email: stevekr2000@aol.com Phone: 818 340-4700

For Staff Use Only: Approved Denied Code: _____

Reviewers Signatures: 1st Level _____ 2nd Level _____

Reviewers Names: 1st Level _____ 2nd Level _____

WEST HILLS NEIGHBORHOOD COUNCIL

Spending Request Form

Please print legibly or type

Date of submission: Committee Name:

Chairperson/Stakeholder: Date Approved by Committee:

Phone: Email:

Event/Activity:

Total Amount Requested: Budget Line Item:

Justification for request. This must include a statement about how the event/activity benefits the stakeholders of West Hills.

(Attach additional pages if necessary)

List all expense items, quantities, and amounts:

Item & Quantity	Amount
<input type="text" value="VENUE"/>	<input type="text" value="500.00"/>
<input type="text" value="FOOD"/>	<input type="text" value="1300.00"/>
<input type="text" value="DJ"/>	<input type="text" value="400.00"/>
<input type="text" value="INSURANCE"/>	<input type="text" value="300.00"/>
<input type="text" value="TABLEWARE"/>	<input type="text" value="375.00"/>
<input type="text" value="DECORATIONS & TABLE CENTERPIECES"/>	<input type="text" value="650.00"/>
<input type="text"/>	<input type="text"/>

For Budget Committee/Controller Use Only:

Committee Approved: Budget Approved: Board Approved:

Agenda Item 23-0085 – Discussion and possible action to the WHNC Standing Rules on use of WHNC logo on correspondence

Article V: Duties and Powers of Board Members Board members including officers shall not claim to be, or give the impression of, speaking or communicating by any means on behalf of the WHNC without approval from the Board. Board members including officers shall not make any representations, requests, or agreements, on behalf of the Board, without approval from the Board. This includes the use of WHNC letterhead and the WHNC logo

Agenda Item 23-0086 - Discussion and Possible Action, including submitting a Community Impact Statement regarding Council File 23-1113, Los Angeles Neighborhood Councils / Remote Meetings / SB 411 / Teleconferencing Provisions / Ralph M. Brown Act (Soto-Martinez - Hutt)

Communications and Outreach Committee
 West Hills Neighborhood Council
 Community Impact Statement Proposal

Committee Meeting Date: October 18, 2023 Board Meeting Date November 2, 2023

File #:	City Council File No. 23-113
Title:	Los Angeles Neighborhood Councils / Remote Meetings / SB 411 / Teleconferencing Provisions / Ralph M. Brown Act (Soto-Martinez - Hutt)
Type:	LA City Council Motion introduced 10/10/2023
City/State:	Los Angeles, California

Summary:	Introduced October 10, 2023 and referred to Neighborhoods and Community Enrichment Committee. Motion is directing the Department of Neighborhood Empowerment to report back in 30 days on what technology, support and other resources are needed to provide Neighborhood Councils with the ability to meet virtually through the end of Fiscal Year 2024-2025.
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Committee Position:	For - to submit a CIS in support of Council Resolution/File #23-1113
Committee Vote:	Yes – 4, No – 0, Abstain – 2, Absent – 3, Ineligible – 0, Recused – 0

“YES” Vote:	means the board member supports a CIS for (in support of) Council Resolution/File #23-1113.
--------------------	---

“NO” Vote:	means the board member opposes a CIS for (in support of) Council Resolution/File ##23-1113.
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Abstain:	means the board member is present but does not vote on the matter.
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Ineligible:	means the board member is present but not eligible to vote on the matter.
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Recusal:	means the board member is present but removes him/herself from discussion and voting due to a conflict of interest with the matter.
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NEIGHBORHOOD & COMMUNITY
ENRICHMENT

MOTION


The Brown Act is a state law that governs the operation of public legislative meetings in California. While the Brown Act has traditionally required all legislative bodies in the state to meet in person, over the course of the COVID-19 Pandemic, Los Angeles Neighborhood Councils were given the opportunity to meet virtually over Zoom. During this period, many members of the neighborhood council system found that meeting virtually made it easier to participate in local government, and would now like to continue this practice.

On October 8, 2023 Governor Gavin Newsom signed SB 411 into law, which modifies the Brown Act to authorize eligible legislative bodies, including Los Angeles Neighborhood Councils, to use teleconferencing for their meetings. To allow this, the City Council must first adopt an authorizing resolution, and then two thirds (2/3) of each participating neighborhood council must vote to use the alternate teleconferencing provisions. An accompanying resolution is being introduced to start this legislative process.

Practically, in order for Neighborhood Councils to meet virtually they also need access to Zoom or other teleconferencing accounts, and technical assistance from the Department of Neighborhood Empowerment (DONE) to effectuate this change.

I THEREFORE MOVE that the City Council direct the Department of Neighborhood Empowerment to report back in 30 days on what technology, support and other resources are needed to provide Neighborhood Councils with the ability to meet virtually through the end of Fiscal Year 2024-2025.

PRESENTED BY:


HUGO SOTO-MARTÍNEZ
Councilmember, 13th District

SECONDED BY:



ORIGINAL

PK

OCT 10 2023

Agenda Item 23-0087 - Discussion and Possible Action, including submitting a Community Impact Statement regarding Council File 23-1114, Los Angeles Neighborhood Councils/SB 411 / Teleconferencing / Remote Meetings/Brown Act Modification / California Government Code / COVID-19 Pandemic (Soto-Martinez-Hutt)

Communications and Outreach Committee
 West Hills Neighborhood Council
 Community Impact Statement Proposal

Committee Meeting Date: October 18, 2023 Board Meeting Date November 2, 2023

File #:	City Council File No. 23-1114
Title:	Los Angeles Neighborhood Councils / SB 411 / Teleconferencing / Remote Meetings / Brown Act Modification / California Government Code / COVID-19 Pandemic (Soto-Martinez - Hutt)
Type:	LA City Council Motion introduced 10/10/2023
City/State:	Los Angeles, California

Summary:	Introduced October 10, 2023 and referred to Rules, Elections and Intergovernmental Relations Committee scheduled for committee meeting on October 20, 2023. Resolution is requesting the City of Los Angeles with the concurrence of the Mayor to authorize Neighborhood Councils to use teleconferencing pursuant to California Code Section 54953.8. Item scheduled for Rules, Elections and Intergovernmental Relations Committee on October 20, 2023.
-----------------	---

Committee Position:	For - to submit a CIS in support of Council Resolution/File #23-1114
Committee Vote:	Yes – 4, No – 0, Abstain – 2, Absent – 3, Ineligible – 0, Recused – 0

“YES” Vote:	means the board member supports a CIS for (in support of) Council Resolution/File #23-1114.
--------------------	---

“NO” Vote:	means the board member opposes a CIS for (in support of) Council Resolution/File ##23-1114.
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Abstain:	means the board member is present but does not vote on the matter.
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Ineligible:	means the board member is present but not eligible to vote on the matter.
--------------------	---

Recusal:	means the board member is present but removes him/herself from discussion and voting due to a conflict of interest with the matter.
-----------------	---

Version 10/19/2023

Summary prepared by Clarice Chavira

RESOLUTION

WHEREAS, on October 8, 2023 Governor Gavin Newsom signed SB 411 into law, which modifies the Brown Act to authorize eligible legislative bodies to use teleconferencing, as prescribed, if the City Council has adopted an authorizing resolution and two thirds (2/3) of an eligible legislative body votes to use the alternate teleconferencing provisions;


WHEREAS, SB 411 defines "eligible legislative body" for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act;

WHEREAS, during the height of the COVID-19 pandemic, Neighborhood Councils met using teleconferencing and many community members found the ability to join meetings remotely eased the process of being involved in their neighborhoods; and

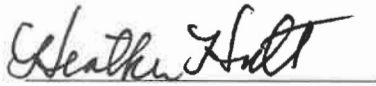
WHEREAS, Neighborhood Councils should be able to increase participation by meeting remotely if they think it is in the best interest of their community;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles authorizes Neighborhood Councils to use teleconferencing pursuant to California Code Section 54953.8.

PRESENTED BY:


HUGO SOTO-MARTÍNEZ
Councilmember, 13th District

SECONDED BY:



ORIGINAL

OCT 10 2023

PK

Agenda Item 23-0088 - Discussion and possible action, including submitting a Community Impact Statement, regarding Board of Neighborhood Commissioners File No. 2021-1, Proposed Neighborhood Council Board Member Code of Conduct Policy (version September 17, 2023)

Government Relations Committee
 West Hills Neighborhood Council
 Community Impact Statement Proposal

Committee Meeting Date: October 16, 2023 Board Meeting Date November 2, 2023

File #:	Board of Neighborhood Commissioners File No. 2021-1
Title:	PROPOSED NEIGHBORHOOD COUNCIL BOARD MEMBER CODE OF CONDUCT POLICY 2021-1 (September 17, 2023)
Type:	Board of Neighborhood Commissioners POLICY
City/State:	Los Angeles, California

Summary:	The Board of Neighborhood Commissioners will vote on the Proposed Neighborhood Council Code of Conduct in the BONC Regular Meeting Scheduled for Tuesday November 7, 2023 at 6pm. The Proposed Code would amend and replace the existing Code of Conduct.
-----------------	---

Committee Position:	For - to submit a CIS in support of the Proposed Code of Conduct.
Committee Vote:	Yes – 6, No – 0, Abstain – 0, Absent – 4, Ineligible – 0, Recused – 0

“YES” Vote:	means the board member supports a CIS for (in support of) the Proposed Code of Conduct.
--------------------	---

“NO” Vote:	means the board member opposes a CIS for (in support of) the Proposed Code of Conduct.
-------------------	--

Abstain:	means the board member is present but does not vote on the matter.
-----------------	--

Ineligible:	means the board member is present but not eligible to vote on the matter.
--------------------	---

Recusal:	means the board member is present but removes him/herself from discussion and voting due to a conflict of interest with the matter.
-----------------	---

Version 10/19/2023

Summary prepared by Clarice Chavira

**PROPOSED NEIGHBORHOOD COUNCIL BOARD MEMBER
CODE OF CONDUCT POLICY
2021-1
(September 17, 2023)**

;

WHEREAS, on March 30, 2022, Mayor Eric Garcetti issued Executive Directive No. 34 implementing the city-wide Workplace Equity Policy and the Workplace Equity Complaint Procedure:

WHEREAS, the Workplace Equity Policy protects volunteers, including Neighborhood Council board members from harassment, sexual harassment, hazing, bullying, and inequitable conduct, as defined in the Workplace Equity Policy;

WHEREAS, the Board of Neighborhood Commissioners (the Commission) recognizes the need to apply the Workplace Equity Policy definitions to Neighborhood Councils;

WHEREAS, the Commission adopted a Code of Conduct Policy in 2016 and an amended Code of Conduct Policy in 2018, to govern the conduct of Neighborhood Council members;

WHEREAS, the Commission expects Board Members and Committee Members, including stakeholders serving on committees to conduct themselves in a manner in keeping with the Commission's Code of Conduct and with regard for the rights and welfare of others in the system;

WHEREAS, Certified Neighborhood Councils are encouraged to be independent in accordance with the Los Angeles City Charter and Administrative Code and have the tools to address violations of this Code of Conduct;

WHEREAS, Section 902 (b) of Article IX of the City Charter provides that the Commission "shall be responsible for policy setting and policy oversight and the promulgation of rules and regulations but not be responsible for day to-day management;

NOW, THEREFORE, BE IT RESOLVED that the Commission amends the Code of Conduct policy to conform to the City Workplace Equity Policy.

NOW, THEREFORE, IT IS FURTHER RESOLVED that the Commission amends the Code of Conduct POLICY NUMBER: 2014 2(2) to say:

POLICY NUMBER: 2021-(1)

1. Neighborhood Council Board Members and Committee Members are required to acknowledge this policy (Exhibit "A") in the manner established by the Department of Neighborhood Empowerment (Department). Neighborhood Council Board Members and Committee Members shall acknowledge this policy every two years.
2. The Neighborhood Council Boards shall be responsible for informing Stakeholder Committee Members of their obligation to acknowledge this policy as a condition of committee service. The Neighborhood Council shall retain a copy of the Stakeholder Committee Member's acknowledgment.
3. Neighborhood Council Boards shall be responsible for informing appointed board members of their responsibility to acknowledge the Code of Conduct. Newly elected, selected, appointed, or re-elected Neighborhood Council board members and committee members shall have a grace period of 30 days from the date the board member or committee member begins assuming their duties to comply with this policy as indicated in item #1.
4. When a Neighborhood Council Board Member fails or refuses to comply with item #1, above, the Department shall have the authority to suspend the Board Member from their Neighborhood Council. Said Board Member shall not be eligible to act on any matter that comes before their Neighborhood Council and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council.
 - a. The Department shall notify the Board Member of their suspension by sending a letter to their last known email address and/or physical mailing address.
 - b. The Department shall also notify *the Executive Officers and the remainder of* the Board Members by email and/or U.S. mail of the suspension of the Board Member.
 - c. The Neighborhood Council shall retain its authority to remove Committee Members for failure to adhere to this policy.
5. If within 30 days the Board Member complies with item # 1 above, the Board Member shall be reinstated.
6. If after 30 days of being suspended the Neighborhood Council Board Member does not comply with the provisions of item #1 above, they shall be removed as a Neighborhood Council Board Member by the following procedures:
 - a. Prior to any Board Member being removed pursuant to this policy they shall have the right to present to the Department evidence that he, she, or they have complied with this policy. The Department shall be the sole and final decision maker of whether the matter should proceed before the Commission.
 - b. If the Department determines that the Board Member has not complied with item # 1 above, the Department shall recommend to the Commission that the Board Member be removed, and their Board position be declared vacant pursuant to Los Angeles Administrative Code Section 22.810.1(e)(3).

- c. If the Board member is removed by the Commission, the Department will notify the individual of their removal by sending a letter to their last known email address and/or mailing address.
 - d. The Department will also notify *the Executive Officers and the remainder of* the Board by email and/or First-Class U.S. mail regarding the removal of the Board Member and that the Board Member's seat or position shall be considered vacant.
7. In the case of a Stakeholder Committee Member, who after 30 days has not complied with item #1 above, the Neighborhood Council Board shall remove the Committee Member pursuant to their bylaws.
8. If the Department is notified that a Board Member or Committee Member has committed an act of violence in violation of the Code of Conduct, the Department shall immediately suspend the Board or Committee Member and refer the matter to the appropriate city agency.
- a. The Department will notify the Board Member or Committee Member of their suspension by sending a letter to their last known email address and/or mailing address.
 - b. The Department will also notify the Board by email and/or First-Class U.S. mail regarding the suspension of the Board or Committee Member, and that the Board Member's position shall not be deemed vacant during the suspension period.
 - c. For the duration of the suspension period, said Board Member or Committee Member shall not be eligible to act on any matter that comes before their Neighborhood Council Board or Committee and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council Board or Committee.
 - d. The Neighborhood Council shall retain its authority to remove Board and Committee Members for failure to adhere to these provisions.
9. The Department may petition the Commission to remove a Board Member or Members for a violation of this Policy pursuant to the process for Declaring a Board Vacancy in Los Angeles Administrative Code 22.810.1(e)(3).

ATTACHMENT A

1. Neighborhood Council Board Members and Committee Members shall conduct themselves in a professional and civil manner.
2. This Policy applies to all Neighborhood Council Board or Committee meetings, Neighborhood Council events; events where the Neighborhood Council is a sponsor or participant; any event where a Board or committee member is acting, purports to be acting or appears to be acting in their official capacity as a Board or Committee Member; or when interacting with City employees, contractors, Neighborhood Council Board Members, Committee Members, and other volunteers.
3. This Policy also prohibits Neighborhood Council Board or Committee members who is acting, purports to be acting or appears to be acting in their official capacity as a Board or Committee Member from using any technology, communication system, or equipment, regardless of whether City-issued, personal, or otherwise, whether used online or offline, to deliver, display, store, forward, publish, circulate, or solicit material in violation of this Policy. The technology, communication systems, or equipment referenced in this subsection may include, but are not limited to, email, text, social media, internet, intranet, telephones, computers, fax machines, voicemail, radio, video, cell phones, mobile digital terminals, or other communication devices.
4. If necessary, it is expected that the Neighborhood Council shall use this policy to either Censure or Remove a Board member who violates this Policy in accordance with BONC Policy numbers 2020-3 and 2020-4 and will proceed to remove an offending Stakeholder Committee member in accordance with its bylaws.
5. This Policy prohibits harassment or discrimination on the basis of any Protected Category, or sexual harassment, other inappropriate conduct based on a Protected Category or protected activity. These activities interfere with the Policy's goals of maintaining diverse, equitable, inclusive, and productive Neighborhood Councils Protected Categories under this Policy include those set forth in Section 3.1 of the City Workplace Equity Policy.

This Policy also includes protections for individuals perceived as being a member of one of the Protected Categories and individuals associated with members of the Protected Categories.

6. Neighborhood Council Board and Committee members shall not engage in harassment. For the purposes of this Policy, harassment is the unwelcome and offensive, threatening, or abusive treatment of one or more persons (by any individual, including both Board and Committee members) because of their actual or perceived Protected Categories.

Harassment can include, but is not limited to, one or more instances of conduct as set forth in Section 3.2.2 of the City Workplace Equity Policy.

7. Neighborhood Council Board and Committee members shall not engage in sexual harassment. For the purposes of this Policy, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature (by any individual, including both Board and Committee members.)

Sexual harassment may include, but is not limited to, one or more instances of conduct as set forth in Section 3.2.3 of the City Workplace Equity Policy.

8. This Policy prohibits inequitable conduct.

Inequitable Conduct is any inappropriate conduct based on a Protected Category or protected activity. Inequitable Conduct includes any instance of unwelcome conduct directed at one or more persons, that is committed by any Neighborhood Council Board or Committee member, because of the person's actual or perceived Protected Category(ies) or protected activity(ies). Similarly unwelcome conduct that is sexual in nature may also violate this Policy.

Inequitable Conduct may be similar in nature to conduct defined as discrimination, harassment, and sexual harassment under this Policy, although to be considered Inequitable Conduct, it will be lesser in severity. It may include but is not limited to verbal or behavioral conduct that communicates hostile, derogatory or negative attitudes toward a person or persons because of their protective class or perceived protective class.

9. Certain behaviors, including hazing, abusive conduct, bullying, and other types of discourteous and unprofessional conduct interfere with the Commission's goals of fostering a civil, safe, professional, and productive environment for Neighborhood Councils. This Policy prohibits such conduct, and the Commission expects that Neighborhood Councils will respond promptly and effectively to reports of potential Policy violations. This includes action to stop, prevent and correct any conduct that violates this Policy.
 - a. Abusive Conduct is verbal, physical, electronic, or other behavior by a Neighborhood Council Board or Committee member, directed at one or more persons that demeans, intimidates, or humiliates or could reasonably be considered hostile, offensive, and unrelated to a legitimate interest of the Neighborhood Council.
 - b. Bullying is verbal, physical, electronic, or other behavior directed at one or more persons within a peer group that demeans, intimidates, or humiliates or could reasonably be considered hostile, offensive, and unrelated to a legitimate interest of the Neighborhood Council.

Bullying may constitute a violation of this Policy where it interferes with the performance of a Board or Committee member or creates an environment unfavorable to the goals of the Neighborhood Council system in promoting a safe and secure environment for all Board and Committee Members and members of the public.

Abusive conduct and bullying consist of a broad range of behaviors, which may be subtle or overt. In most circumstances, abusive conduct or bullying consists of repeated or multiple incidents, over a period of time. The determination of whether a particular act constitutes abusive conduct or bullying will depend on the circumstances and context in which that act occurs.

Abusive Conduct and/or Bullying can include one or more instances of conduct as set forth in Section 4.2.2 of the City Workplace Equity Policy.

By signing this document, I acknowledge that I have received a copy of this Code of Conduct and understand that I must abide by it.

I also understand that if I am found to have violated the Code of Conduct, I may be subject to censure and/or removal by my Neighborhood Council Board, or by action of the Department or the Commission.

Any Neighborhood Council bylaws in conflict with this Code of Conduct are hereby superseded.

NEIGHBORHOOD COUNCIL

BOARD OR COMMITTEE POSITION

SIGNED

DATE

NAME PRINTED

Agenda Item 23-0089 - Discussion and possible action of facts pertaining to Alejandro Phillips absences, leading to a possible announcement of a vacancy

WEST HILLS NEIGHBORHOOD COUNCIL ATTENDANCE

BOARD MEMBER	*MARCH 2023	*MARCH 2023	*MARCH 2023	MAY 2023	*MAY 2023	JUNE 2023	JULY 2023	AUG 2023	SEPT 2023	OCT 2023	NOV 2023	*NOV 2023	TOTAL ABSENCES
Abkarians, Aida	P	P	P	P	P	P	P	P	P	P	P	P	0
Ian Afazeli	-----	-----	-----	-----	-----	-----	P	A	P	P	P	P	1
Barta, Faye	P	P	P	P	P	P	P	P	P	P	P	P	0
Bell, Sandi	P	P	P	P	P	P	P	P	P	P	P	P	0
Chavira, Clarice	P	P	P	A	P	P	P	P	P	P	P	P	1
Greenwood, Carolyn	P	P	P	P	P	P	P	P	P	P	P	P	0
Jennings, Glenn	P	P	P	P	P	P	P	P	P	P	P	P	0
Kotuwelle, Randhara	-----	-----	-----	-----	-----	-----	-----	-----	P	P	P	P	0
Kotuwelle, Vinura	A	P	P	P	P	P	P	P	P	P	P	A	2
Marvisi, Jonathan	-----	-----	-----	-----	-----	-----	P	A	P	P	P	P	1
Mogri, Saif	P	A	P	P	P	P	P	P	P	P	A	P	2
Neudorff, Mark	P	A	A	P	P	P	P	P	P	P	P	P	2
Newmark, Penelope	-----	-----	-----	-----	-----	-----	P	P	P	A	A	A	3
Ourfalian, Joe	-----	-----	-----	-----	-----	-----	P	P	P	P	A	A	2
Phillips, Alejandro	P	A	P	A	A	P	P	A	P	P	A	A	6
Rose, Bill	P	P	P	P	P	P	P	P	P	P	P	P	0
Rothstein, Charlene	P	P	P	P	P	P	P	P	P	A	P	P	1
Schimmel, Miriam	P	P	P	P	A	P	P	P	P	A	P	P	2
Trent, Joan	P	P	P	P	P	P	P	P	P	P	P	P	0
Vanderhoof, Brad	P	P	P	P	P	P	P	P	P	P	P	P	0
Yvanek-Garb, Joanne	P	A	A	P	P	P	P	A	P	P	P	A	4

*Special Meeting

WEST HILLS NEIGHBORHOOD COUNCIL (WHNC) BOARD VACANCY APPLICATION

Date: October 12, 2023

Applicant's Name: Zhelbert Zohrabian **Occupation:** Stager for Real Estate - Project Staging

Home Address: [REDACTED]

Work Address (if Applicable): N/A

Home Phone: N/A **Mobile Phone:** [REDACTED]

Email: [REDACTED]

Stakeholder Status (Check all that apply): () I live in West Hills, () I work in West Hills,
() I own property in West Hills, () I have a child enrolled in a school in West Hills,
() I belong to a religious organization in West Hills, () I belong to a community organization in
West Hills, () OTHER: I've brought issues relating to my community to WHNC - at last beautification/fire hazard I

How did you hear about the WHNC? I first heard about it when I began the process of having the Metro buses
relocate their layover from Valley Cir. Blvd. to Platt as the existing Layover was a major safety hazard.

How often do you attend WHNC meetings? I approach the respective Committee depending on our issues.

Why do you wish to participate on the WHNC Board? I am very cognizant of our community and have
represented my neighborhood in the past on various issues. I'm also taking others' suggestion that I should be on it.

What are your goals for the community? I would like to help make West Hills a continued safe and beautiful city.

What skills do you have that might be especially useful for the WHNC? From what I've been told -
I am an amazing and diligent professional with great people skills.

Are you prepared to contribute at least ten (10) hours a month to community service through the council? Yes

What areas of community service particularly interest you? Safety and beautification

Do you have any interests that might conflict with Neighborhood Council responsibilities?
No

(If you need more space, use the reverse side.)

WEST HILLS NEIGHBORHOOD COUNCIL (WHNC) BOARD VACANCY APPLICATION

Date: November 5, 2023

Applicant's Name: Carolyn Poppert

Occupation: Entertainment Industry

Home Address: [REDACTED]

Work Address (if Applicable): _____

Home Phone: _____

Mobile Phone: [REDACTED]

Email: [REDACTED]

Stakeholder Status (Check all that apply): (X) I live in West Hills, () I work in West Hills,
(X) I own property in West Hills, () I have a child enrolled in a school in West Hills,
() I belong to a religious organization in West Hills, () I belong to a community organization in West Hills,
() OTHER: _____

How did you hear about the WHNC?

Received a postcard by mail in 2004 regarding WHNC Board Elections and monthly meetings.

How often do you attend WHNC meetings?

Attended Board meetings from November 2004-2013 and was a member of four committees: Communications, Events, Emergency Preparedness and Budget; attended meetings occasionally in the following years. In 2023, attended the prior five monthly Board meetings and many Committee meetings.

Why do you wish to participate on the WHNC Board?

To assist the Board and Committees with planning, organization and coordination in order to make West Hills an even better place to live and work.

What are your goals for the community?

To encourage Stakeholders to become more involved with our community and our Neighborhood Council.

What skills do you have that might be especially useful for the WHNC?

I have prior experience on the Board of Directors for two non-profit organizations. Professionally, or as a volunteer, I produced or assisted with the production, organization and coordination of numerous large and small scale events, stage and multi-media productions. In West Hills, I volunteered for many years with the Canoga Park/West Hills Chamber of Commerce events and received their Volunteer of the Year Award; also worked with Shadow Ranch Park in event production.

Are you prepared to contribute at least ten (10) hours a month to community service through the council?

Yes

What areas of community service particularly interest you?

At this time, I am primarily interested in the following Committees: Special Events (and any other events), Communication and Outreach, Budget, Streets and Transportation, Zoning and Planning.

Do you have any interests that might conflict with Neighborhood Council responsibilities?

No conflicts.

WEST HILLS NEIGHBORHOOD COUNCIL (WHNC) BOARD VACANCY APPLICATION

Date: 11/2/23

Applicant's Name: Denyse M. Holloway **Occupation:** Life Coach

Home Address: [REDACTED]

Work Address (if Applicable): _____

Home Phone: [REDACTED] **Mobile Phone:** [REDACTED]

Email: [REDACTED]

Stakeholder Status (Check all that apply): I live in West Hills, I work in West Hills,
 I own property in West Hills, I have a child enrolled in a school in West Hills,
 I belong to a religious organization in West Hills, I belong to a community organization in
West Hills, OTHER: Former business owner in West Hills, (Carter Fitness)

How did you hear about the WHNC? I have followed the council since living in West Hills for 17 years.
Miriam Schimmel informed me about the vacancy on the council.

How often do you attend WHNC meetings? I have not attended the meetings though I have
participated in community events over the years.

Why do you wish to participate on the WHNC Board? _____
As a business owner I enjoyed holding events and providing services that fostered connection and community.
I would like to be involved on a deeper level and do my part to create a healthy, thriving community that encourages
connectedness, action and growth.

What are your goals for the community? _____
I o bring residents together, create an environment of camaraderie, and strategize to improve wellbeing of all stakeholders.

What skills do you have that might be especially useful for the WHNC? _____
I have excellent written and oral communication skills, am highly organized, and comfortable with public speaking.
As a life coach I am skilled at conflict resolution and mediation. Having taught children's art for 20 years I am also
creative, adaptable, fun-loving, and patient. Wellness is a passion and I am devoted to helping others achieve it.

Are you prepared to contribute at least ten (10) hours a month to community service through the council? I look forward to becoming involved through meetings and committees, events and more. Yes!

What areas of community service particularly interest you? Wellness related endeavors are high on
my list and with a background in event planning I am always excited to collaborate on community events.

Do you have any interests that might conflict with Neighborhood Council responsibilities?
I do work with local schools but I am not employed by them.
(If you need more space, use the reverse side.)

WEST HILLS NEIGHBORHOOD COUNCIL (WHNC) BOARD VACANCY APPLICATION

Date: 11/1/23

Applicant's Name: Noe Loera **Occupation:** Security Manager

Home Address: [REDACTED]

Work Address (if Applicable): _____

Home Phone: _____ **Mobile Phone:** [REDACTED]

Email: [REDACTED]

Stakeholder Status (Check all that apply): () I live in West Hills, () I work in West Hills,
() I own property in West Hills, () I have a child enrolled in a school in West Hills,
() I belong to a religious organization in West Hills, () I belong to a community organization in
West Hills, () OTHER: _____

How did you hear about the WHNC? Researching West Hills website

How often do you attend WHNC meetings? We just moved into the city. I have not.

Why do you wish to participate on the WHNC Board? I would love to serve my neighborhood. I can bring
Different views and perspective to my city.

What are your goals for the community? For families to feel safe, be proud of their city and continue to bring
unity to our community.

What skills do you have that might be especially useful for the WHNC? I am a security manager
With relationship skills and leadership.

Are you prepared to contribute at least ten (10) hours a month to community service through the council? Yes.

What areas of community service particularly interest you? Security

Do you have any interests that might conflict with Neighborhood Council responsibilities?
No.

(If you need more space, use the reverse side.)

Agenda Item 23-0094 - Discussion and possible action on submitting a Community Impact Statement (“CIS) on Council File 22-0392 Digital Off-Site Signs / Outdoor Advertising / Transportation Communication Network Program Structures / Los Angeles County Metropolitan Transportation Authority (MTA)

Public Safety and Emergency Preparedness Committee
 West Hills Neighborhood Council
 Community Impact Statement Proposal

Committee Meeting Date: November 15, 2023 Board Meeting Date December 6, 2023

File #:	City Council File No. 22-0392
Title:	Digital Off-Site Signs / Outdoor Advertising / Transportation Communication Network Program Structures / Los Angeles County Metropolitan Transportation Authority (MTA)
Type:	LA City Council Motion Introduced April 5, 2022
City/State:	Los Angeles, California

Summary:	
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Committee Position:	Against - to submit a CIS against Council Resolution/File #22-0392
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Committee Vote:	Yes – 4 , No –0 , Abstain –1 , Absent – , Ineligible – , Recused – 0
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“YES” Vote:	means the board member supports a CIS in opposition to Council Resolution/File #22-0392.
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“NO” Vote:	means the board member does not support a CIS in opposition to Council Resolution/File ##22-0392.
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Abstain:	means the board member is present but does not vote on the matter.
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Ineligible:	means the board member is present but not eligible to vote on the matter.
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Recusal:	means the board member is present but removes him/herself from discussion and voting due to a conflict of interest with the matter.
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REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: September 28, 2023

CAO File No. 0220-06155-000

Council File No. 22-0392

Council District: All

To: The City Council

From: Matthew W. Szabo, City Administrative Officer



Reference: Memorandum of Agreement for the development of a Transportation Communication Network Program between the City of Los Angeles and Los Angeles County Metropolitan Transportation Authority (C-139852)

Subject: **POTENTIAL REVENUE DISTRIBUTION STRATEGIES FOR THE TRANSPORTATION COMMUNICATION NETWORK OPERATED BY THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**

RECOMMENDATION

That the City Council, subject to the approval of proposed ordinances that would permit signs with digital displays on certain property owned by the Los Angeles County Metropolitan Transportation Authority (Metro):

1. Request the City Attorney, in coordination with the City Administrative Officer and the Chief Legislative Analyst, to prepare and present an Ordinance for the creation of the Transportation Communications Network Revenue Fund, consistent with the Memorandum of Agreement between the City and Metro (C-139852); and
2. Instruct the General Manager of the Department of Transportation to meet with each Council Office that has any Transportation Communication Network signs with digital displays within its district prior to the annual proposed budget submissions of the Transportation Communications Network Revenue Fund Schedule and associated Capital and Technology Improvement Expenditure Program requests.

SUMMARY

On June 28, 2022, the City Council instructed the City Administrative Officer (CAO) in coordination with the Chief Legislative Analyst (CLA) (C.F. 22-0392) to report on potential revenue distribution strategies that ensure revenue generated by the Transportation Communication Network (TCN) Program is invested back into the communities that are most impacted by the installation of the new signage and with recommendations for the creation of an annual expenditure plan created in consultation with affected Council Districts. The TCN Program refers to Metro's proposed network of transportation communication digital displays, to be managed and operated by the Metro. The

signs with digital displays will sit upon TCN structures on Metro property within the City and will have single-sided or double-sided display faces that will be available for outdoor advertising.

At the time of the instruction, Metro had yet to release the draft Environmental Impact Report (EIR) for the TCN Program and as such, discussion on a revenue distribution strategy was premature. However, the proposed TCN Program has now achieved the following significant milestones:

- The Metro Board of Directors certified the Final EIR on January 26, 2023.
- The Metro TCN released draft Ordinances to the public on June 14, 2023.
- A bilingual (English and Spanish) staff-level public hearing for the proposed Metro TCN Ordinance was held virtually by the Department of City Planning (Planning) the evening of July 12, 2023. The purpose of the hearing was to receive public testimony on behalf of the City Planning Commission as the recommending body to City Council.
- The Planning Commission recommended approval of the Ordinance with modifications as proposed by Planning staff and required Zone Changes to permit the establishment of a non-contiguous Supplemental Use District, called the Transportation Communication Network, on property owned by Metro with staff's proposed modifications listed in the Staff Recommendation Report incorporated into the Ordinance on September 14, 2023.

Given these recent developments, the CAO and CLA have reviewed existing practices currently in place for other revenue sources and do not recommend strategies that would further limit the City's ability to maximize the use of the City portion of TCN revenue. As opposed to other programs that distribute a portion of revenue across 15 Council-controlled accounts, or which limit the use of revenue geographically, the CAO does not recommend similar restrictions or distribution strategies be applied to the TCN Program. Doing so may limit the ability to program revenue towards projects that provide equitable access to infrastructure that supports overall wellbeing in high priority neighborhoods.

The executed Memorandum of Agreement (MOA) between the City and Metro already limits the use of funds from what otherwise would have been General Fund uses. Through the creation of a Special Fund, to be known as the Transportation Communications Network Revenue Fund (the "Fund"), the shared revenue from the TCN Program will be used exclusively for transportation projects and services. These projects and services include but are not limited to City transit lines or other public transit service; the purchase, lease or rental of transit related equipment, including buses, trucks, transit shelters and street furniture; funding studies, City staff costs, land acquisition, design or construction of sidewalks, curb improvements, pedestrian safety improvements in the public right-of-way, and beautification projects needed to improve conditions for public transit patrons; and funding public amenities to improve the quality of life for public transit patrons, residents and businesses in transit oriented districts, with a focus on low-income, persons of color in Metro's defined Equity Focus Communities (EFC). Additional information on the EFC designation is provided in Attachment 1.

Neither the MOA framework or Metro's EFC designation, while more limiting than General Fund uses, preclude the City from investing TCN shared revenue in the communities most impacted by

the TCN Program. Rather, the MOA calls for incorporating the City's allocation of TCN shared revenues through the annual budget process. Allocating TCN shared revenues through the City's annual budget process is consistent with the City's ongoing efforts to maximize equity considerations in its budget decision making process and the City's financial policies.

Specifically, proposals requesting TCN shared revenues that fall within the areas of Municipal Facilities or Physical Plant should be analyzed under the Capital and Technology Improvement Expenditure Program (CTIEP) guidelines and in relation to how they advance the following City priorities:

- **Green Investments and Reduction of Greenhouse Gas:** This label applies to capital investments that work towards achieving the City climate change mitigation, resilience, and sustainability goals. Physical Plant and Municipal Facilities projects should especially be noted if they support the greenhouse gas climate goals set by the Council in February 2023 (C.F. 22-1402). Eligible Green Project categories include renewable energy, energy efficiency, pollution prevention and control, environmentally sustainable management of living, natural resources, and land use (which covers sustainable water and waste management), clean transportation, decarbonization, and green buildings.
- **Equitable Communities/Equity Impact:** This label applies to projects that provide equitable access to infrastructure that supports a community's overall wellbeing. Equity Impact projects are those which provide a positive benefit and are located in high priority neighborhoods. If these conditions are met by a project, it will be labeled as having an Equity Impact. Equity Impact projects will be given additional consideration throughout the budget process.
- **Mobility:** This label applies to projects under a variety of mobility categories that support the Mobility Plan 2035 goals and objectives. For Municipal Facilities this includes installing Electric Vehicle (EV) chargers. For Physical Plant projects may include access ramps, bike lanes, bike paths, sidewalks, transit shelters and bus pads, and trees.

The nexus between the City's CTIEP priority areas and the intended uses of the Fund within Metro's defined EFC areas is clear. As such, the pursuit of the City's CTIEP goals and priorities will likely achieve improvements in Metro's EFC designated areas.

Furthermore, consultation with affected Council Districts can occur through the annual budget process. To ensure that Council Districts with TCN structures are consulted with as part of the budget development process, the CAO recommends that the General Manager of the Department of Transportation (DOT), as the Fund Administrator, be instructed to meet with each Council Office that has a TCN structure within its district prior to the annual submission of the Special Fund Schedule and CTIEP requests. Through these meetings, Council Offices will relay their priority uses for the shared revenue taking into consideration the limited used within the MOA and the City priorities noted above. DOT will consider these requests for inclusion in their proposed budget and/or CTIEP request subject to the anticipated TCN shared revenues forecasted for the following fiscal year.

BACKGROUND

On December 8, 2021, the Council authorized the CAO to execute a MOA for the development of a TCN Program between the City and Metro (C.F. 21-0600-S110). The TCN Program refers to a network of transportation communication digital displays, to be managed and operated by the Metro. The digital displays will sit upon TCN structures on Metro property within the City and will have single-sided or double-sided digital display faces for the purposes of displaying messaging in the order to facilitate and promote efficient roadways, increase public transit ridership, improve public safety, and provide revenue to support the TCN Program through advertising. The purpose for the MOA was to document the collective understanding of the City's legislative power with regard to enacting an ordinance to enable outdoor advertising on the TCN structures or taking any other legislative action relating to MOA. The MOA would also establish a revenue sharing framework between Metro and the City for net revenue from outdoor advertising on TCN structures located within the boundaries of the City, as well as a cost-sharing agreement for the Metro led California Environmental Quality Act (CEQA) compliance process for the TCN Project.

The MOA was executed on January 12, 2022 (Contract No. C-139852). Key MOA terms are detailed in Attachment 2. The full MOA is included as Attachment 3.

Following the execution of the MOA, and consistent with its authority over land use matters, the City Council instructed the Planning, with the assistance of the City Attorney, to prepare and present an Ordinance to allow digital off-site signs to be displayed on structures that are part of the TCN Program (C.F. 22-0392). Furthermore, the City Council also instructed the CAO, in coordination with the CLA, to report on potential revenue distribution strategies that ensure revenue generated by the TCN Program is invested back into the communities that are most impacted by the installation of the new signage and with recommendations for the creation of an annual expenditure plan in consultation with affected Council Districts.

Pursuant to these instructions, Planning drafted an Ordinance that would permit Metro to install sign structures, including digital display signs, on up to 49 properties owned by Metro. The draft Ordinance proposed specific operational standards, location restrictions, and maintenance requirements for the structures and digital displays. In addition, an accompanying zone change would require Metro to remove existing static off-site signs both on Metro owned property and private property resulting in a net reduction in off-site signage within the City. On September 14, 2023, the Planning Commission approved the proposed Ordinance which will now move forward to the City Council for consideration.

With respect to revenue distribution strategies, the executed MOA includes agreed upon terms on how the shared revenue from the TCN Program will be calculated and distributed to the City, and used by the City. Specifically, each year, Metro will provide an estimate of the projected shared revenue for the City which will represent 50 percent of net revenue from outdoor advertising on TCN structures located within the boundaries of the City. The net revenue will include deductions for certain out-of-pocket expenses associated with the TCN Program and authorized by the MOA incurred by Metro and the City, including CEQA compliance and costs of litigation, and expenses from constructing, maintaining, and operating the TCN Structures with outdoor advertising within

City boundaries. The City will deposit its portion of the shared revenue into a special fund to be known as the Transportation Communications Network Revenue Fund (the "Fund"). Metro does not guarantee any amount of shared revenue to the City. Additionally, at this time the CAO and CLA are unable to provide revenue projections for the TCN Program. However, according to its January 2023 Metro Board report, Metro staff estimate the TCN program will generate between \$300 million to \$500 million over the 20-year term of the MOA for both Metro and the City. The CAO and CLA are unable to substantiate this estimate.

Relative to revenue distribution strategies, the City has agreed as part of the MOA to four key provisions for how the shared revenue will be received and distributed. The first provision pertains to the separation of these funds from the City's General Fund. Per the MOA, and as previously noted, the City will establish a special fund where it will deposit its portion of the shared revenue, the Fund. All interest and other earnings accruing on money in the Fund shall be credited to the Fund and shall be devoted to the purposes of the Fund. Pursuant to Charter Section 344, money in the Fund shall not revert to the Reserve Fund of the City.

Secondly, the City has agreed to use the Fund exclusively for transportation projects and services, including City transit lines or other public transit service; to purchase, lease or rent transit related equipment, including buses, trucks, transit shelters and street furniture; to fund studies, City staff costs, land acquisition, design or construction of sidewalks, curb improvements, pedestrian safety improvements in the public right-of-way, and beautification projects needed to improve conditions for public transit patrons; and to fund public amenities to improve the quality of life for public transit patrons, residents and businesses in transit oriented districts.

Given the intended uses of the Fund, the City has agreed to designate DOT as the Fund's administrator. As the Fund administrator, DOT will account for and process all transfers in and out of the Fund, submit all required annual reports including a year-end report that will identify all receipts into, and all transfers and expenditures out of, the fund, as well as the purposes for which the transfers and expenditures were made. DOT shall also assist with any audits of the Fund.

The fourth provision for how the City share of TCN Program revenue will be received and distributed pertains to the programming of the Fund through the City's annual City budget process. The City's annual budget process provides the best opportunity for the programming of the shared revenue in a manner that takes into consideration Mayor and Council priorities. Under this process, and based on existing practices for other Special Funds, as the Fund administrator DOT would submit budget proposals on the use of any current balances and anticipated revenues for the upcoming fiscal year. DOT's proposals would follow the budget priorities set forth by the Mayor as well as the guidelines within the MOA with respect to the proposed uses. The CAO would evaluate and analyze the proposals and make recommendations to the Mayor on which proposals to include in the Mayor's proposed budget. The decision on including proposals within the Mayor's proposed budget would fall on the Mayor. However, as with the entire proposed budget, the City Council would have an opportunity to review and make modifications to the Fund and the intended uses, thereby ensuring that City Council funding priorities are also considered.

DISCUSSION

While a framework for how the shared revenue will be budgeted and used by the City has been established within the executed MOA, this framework does not exclude the ability for the City to invest funds from the TCN Program in the communities most impacted by the installation of the new signage or in consultation with affected Council Districts. First and foremost, Council Districts can work with DOT on proposals to be included as part of the annual budget submission. Additionally, Council Districts can request modifications to the Mayor’s proposed budget as part of Council’s consideration of the Mayor’s proposed budget in the Budget, Finance and Innovation Committee or when the budget is being considered by the full Council. Nevertheless, if a more prescriptive approach on how Council Districts can consult on an expenditure plan for TCN shared revenue is desired, the CAO recommends the following guidelines.

DOT should be instructed to proactively reach out to Council Districts most impacted by the installation of TCN structures in advance of DOT’s budget submission to the Mayor and the CAO. As proposed budgets are normally due to the Mayor and CAO in late November each year, DOT should initiate their communication with impacted Council Districts no later than September. Furthermore, Council District priorities should adhere to the same guidelines established through the CTIEP review process which aim to advance City priorities of Green Investments and Reduction of Greenhouse Gas, Equitable Communities/Equity Impact, and Mobility.

Metro is proposing 49 TCN structures throughout the City of Los Angeles. 33 TCN structures are proposed for freeway adjacent properties, while 16 TCN structures will be on properties located near major intersections and corridors. In total, 49 TCN structures with 86 digital display sign faces are slated for Metro owned lots that are zoned Commercial, Manufacturing or Public Facilities zones. 37 of the 49 TCN structures will have two digital display sign faces. The impacted communities are listed in the following table.

Community Plan Area	Impacted Council Districts (CD)	No. of TCN Support Structures	No. of Digital Display Sign Faces
Arleta - Pacoima	CD 7	2	4
Boyle Heights	CD 14	4	8
Central City	CD 14	3	5
Central City North	CD 14	5	9
Encino - Tarzana	CD 6	1	2
Granada Hills - Knollwood	CD 12	1	2
Hollywood	CD 13	2	4
Los Angeles International Airport	CD 11	1	2
Northeast Los Angeles	CD 1 & CD 13	4	8
North Hollywood - Valley Village	CD 2	2	2
Palms - Mar Vista - Playa del Rey	CD 11	1	2
Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass	CD 2	3	4

Southeast Los Angeles	CD 9	2	4
South Los Angeles	CD 9	2	3
Silver Lake - Echo Park - Elysian Valley	CD 1	1	2
Sun Valley - La Tuna Canyon	CD 6	2	4
Sylmar	CD 7	1	2
Van Nuys - North Sherman Oaks	CD 6	2	3
West Adams - Baldwin Hills - Leimert	CD 8 & CD 10	2	3
Westchester - Playa del Rey	CD 11	3	6
West Los Angeles	CD 5 & CD 11	4	5
Wilshire	CD 13	1	2
Citywide		49	86

FISCAL IMPACT STATEMENT

Approval of the report recommendations will not result in a General Fund impact. Through the execution of the Memorandum of Agreement (MOA) with Metro, the City has already agreed to create a Special Fund for its share of revenue from the Transportation Communication Network Program, subject to the approval of proposed ordinances that would permit signs with digital displays on certain property owned by Metro.

FINANCIAL POLICIES STATEMENT

The recommendations in this report comply with the City's Financial Policies in as much as they support the City's consideration for new or expanded programs during the course of the annual budget development process, and call for budgetary decisions to be informed by data that measures the City's delivery of services against established targets for performance.

Attachments

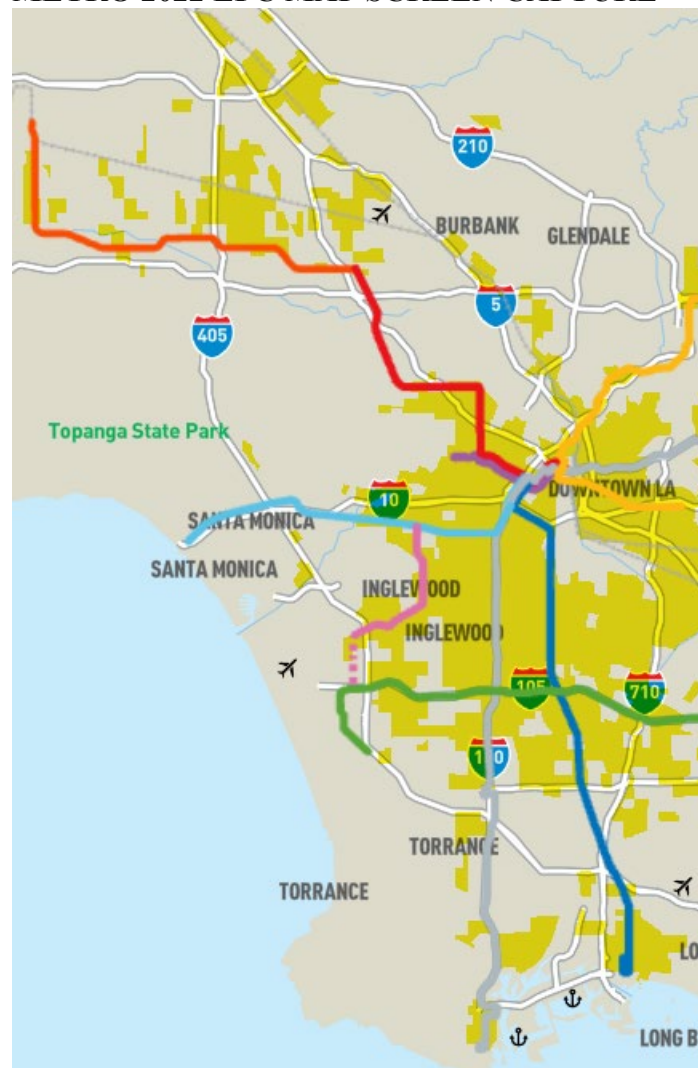
Description of Metro's Equity Focused Communities

In 2019, Metro created the Equity Focused Communities (EFC) designation to identify areas where transportation needs are greatest by considering concentrations of resident and household demographics associated with mobility barriers, specifically:

- Low-income households earning less than \$60,000 per year;
- Black, Indigenous or People of Color (BIPOC) population; and,
- Households that do not have a car.

Metro's goal is to use the EFC designation to assess and prioritize their work, including service delivery, policymaking, and resource distribution. Towards this end Metro has mapped the EFC designated areas and developed a dashboard which was most recently updated in May 2022. Metro's EFC interactive map and dashboards are accessible at <https://equity-lametro.hub.arcgis.com>. As demonstrated in the screen capture below, Metro's EFC designated areas overlap with many of City's own high need areas.

METRO 2022 EFC MAP SCREEN CAPTURE



SOURCE: METRO 2022 EFC MAP (WEB APP)

**Key Terms within the Transportation Communication Network (TCN) Program
Memorandum of Agreement (MOA)**

Revenue Sharing and Intended Use of Revenue: The revenue sharing framework provides the City with 50 percent of net revenue from outdoor advertising on TCN structures located within the boundaries of the City. In addition, as part of the MOA, the City has agreed to use its portion of the shared revenue for transportation improvement projects that are consistent with the following goals of the Metro's Vision 2028 Plan: (i) provide high-quality mobility options that enable people to spend less time traveling; (ii) deliver outstanding trip experiences for all users of the transportation system; (iii) enhance communities and lives through mobility and access to opportunity; and (iv) transform Los Angeles County through regional collaboration and national leadership. These goals require partnership with the City and complement existing City goals. Other projects may include those that promote pedestrian and cyclist safety in the general vicinity of transit stops and that benefit bus riders in the City, with a focus on low-income, persons of color in Metro's defined Equity Focus Communities.

Establishment of a Transportation Communications Network Revenue Fund: The City shall deposit its portion of the shared revenue into a special fund to be known as the Transportation Communications Network Revenue Fund (the "Fund") and, as part of its annual City budget process, will program those funds exclusively for the following (or substantially similar) purposes:

- (1) Funding transportation projects and services, including City transit lines or other public transit service, and for the payment of any and all expenses relating or incidental thereto, including operating expenses;
- (2) Funding the purchase, lease or rental of transit related equipment, including buses, trucks, transit shelters and street furniture, and all expenses relating or incidental thereto;
- (3) Funding consultant studies, City staff costs, land acquisition, design or construction of the following: (A) sidewalks, curb improvements, and beautification projects needed to improve conditions for public transit patrons; (B) pedestrian safety improvements in the public right-of-way including, but not limited to, speed humps, street resurfacing, traffic lane or pedestrian marking and signage, and acquisition of property to widen the public right-of-way to create safer traffic flow, bicycle lanes, or to create safer pedestrian routes to improve conditions for public transit patrons; and (C) public amenities to improve the quality of life for public transit patrons, residents and businesses in transit oriented districts; and (D) all expenses related or incidental to those uses; and,
- (4) The repayment of any money borrowed or advanced from any other fund for purposes described above in (1)-(3) with the intent that reimbursement be made from the Fund.

The Fund shall be administered by the General Manager of the Department of Transportation. All interest and other earnings accruing on money in the Fund shall be credited to the Fund and shall be devoted to the purposes of the Fund. Pursuant to Charter Section 344, money in the Fund shall not revert to the Reserve Fund of the City.

MOA Duration: The contract term of the MOA is twenty years, effective January 12, 2022 through January 12, 2042.

Implementing Conditions: The MOA's implementation is conditioned upon the City enacting an ordinance that allows off-site advertising to be displayed on the TCN structures through the duration of the MOA, and subject to any design and development standards, including any mitigation measures; and the take-down of static billboards. Moreover, as a part of the TCN Program, Metro shall endeavor to cause the removal of up to 320 static billboard display faces from Metro-owned or operated property, of which approximately 200 static billboard display faces are located on property in City.

California Environmental Quality Act (CEQA) Compliance and Cost-sharing: Metro is the lead agency for CEQA, and the City has agreed to pay for fifty percent (50%) of Metro's (or its agent's) cost of the CEQA Compliance Document(s), including under a "no project" alternative scenario. The City's financial obligation under the "no project" alternative scenario is not expected to exceed \$1,000,000. Any amount over \$1,000,000 is subject to the City reviewing and approving further costs prior to their programming and commitment by Metro.

C-139852

MEMORANDUM OF AGREEMENT

between

THE CITY OF LOS ANGELES

and

**THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
AUTHORITY**

for the METRO TRANSPORTATION COMMUNICATION NETWORK

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (this “**Agreement**”) is executed as of this 12 day of January, 2022 by and between the CITY OF LOS ANGELES and the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, with respect to the following:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and each intending to be legally bound, the parties hereto agree as follows:

1. DEFINITIONS.

For all purposes of this Agreement, except as otherwise expressly provided or unless the context requires:

1.1 “**Agreement**” means this Memorandum of Agreement and all attachments and exhibits hereto, and all amendments and modifications thereto.

1.2 “**Applicable Rules**” means the rules, regulations, ordinances and officially adopted policies of City in full force and effect as of the Effective Date of this Agreement, including, but not limited to City’s zoning code and administrative code, except as otherwise modified by the Ordinance.

1.3 “**CEQA**” means the California Environmental Quality Act (Cal. Public Resources Code Sections 21000 et seq.) and the State CEQA Guidelines (Cal. Code of Regs., Title 14, Sections 15000 et seq.).

1.4 “**CEQA Compliance Document**” means the compliance document prepared and certified by LACMTA for the TCN Program in accordance with the requirements of CEQA.

1.5 “**City**” means the City of Los Angeles, California, including, but not limited to, its officers, boards, departments, bureaus, staff and agents, except that separate agreements shall be executed with the Department of Water and Power if needed.

1.6 “**City Council**” means the Los Angeles City Council.

1.7 “**Discretionary Action**” means an action which requires the exercise of judgment, deliberation or a decision on the part of City, including any board, commission or department or any officer or employee thereof, in the process of approving or disapproving a particular activity, as distinguished from an activity which merely requires City, including any board, commission or department or any officer or employee thereof, to determine whether there has been compliance with statutes, ordinances or regulations.

1.8 “**Effective Date**” is the date on which this Agreement has been executed by City and LACMTA.

1.9 “**General Plan**” means the adopted General Plan of City.

1.10 **“LACMTA”** means the Los Angeles County Metropolitan Transportation Authority.

1.11 **“Licensee”** means the company or companies (including, without limitation, individuals or entities such as partnerships, limited liability companies, corporations, or sole proprietorships), if LACMTA so elects, that will do one or more of the following: (a) construct and/or operate the TCN Structures; (b) sell the media inventory to be placed on the TCN Structures; and/or (c) pay directly to LACMTA its portion of the revenues earned by the Licensee, from which LACMTA shall pay City its portion of the Shared Revenue.

1.12 **“Ministerial Permits and Approvals”** means the permits, approvals, plans, inspections, certificates, documents, licenses, and all other actions required to be taken by City in order for LACMTA to implement, develop and construct the TCN Program and the Mitigation Measures, subject to and as modified by the Ordinance and any other approvals or documents in connection with the TCN Program.

1.13 **“Mitigation Measures”** means the mitigation measures described in the Project Approvals.

1.14 **“Net Revenue”** means all outdoor advertising revenue actually received by LACMTA from the TCN Structures within the City boundaries during the Term after deductions have been made for LACMTA’s and City’s out-of-pocket expenses authorized by this Agreement with respect to the TCN Program, including, without limitation, CEQA compliance and costs of litigation, Ordinance and costs of litigation, and expenses from constructing, maintaining, and operating the TCN Structures with outdoor advertising within City boundaries.

1.15 **“Ordinance”** means an ordinance or other legislative or other document which may be enacted by the City Council to enable the outdoor advertising on the TCN structures.

1.16 **“Parties”** means LACMTA and City collectively, and a **“Party”** means each of LACMTA and City individually.

1.17 **“Project Approvals”** means the following land use actions requested by LACMTA from City: (a) Ordinance; and (b) adoption of findings required by CEQA for each significant effect of the project, if any.

1.18 **“Property” or “Properties”** means any parcel of real property (or properties) or portion thereof on which a TCN Structure is located. The list of Properties may be amended, modified, updated and/or replaced from time to time as determined by LACMTA.

1.19 **“Shared Revenue”** means LACMTA and the City shall each receive 50% of the Net Revenue from the TCN displays located in the City of Los Angeles.

1.20 **“TCN Program”** means LACMTA’s Transportation Communication Network Program permitted pursuant to the terms of this Agreement.

1.21 **“TCN Structures”** means the structures (and all attached or related equipment and components) developed as a part of the TCN Program, each including, without limitation, single-sided or double-sided digital display faces for the purposes of displaying messaging in

order to facilitate and promote efficient roadways, increase public transit ridership, improve public safety, and provide revenue to support the TCN Program through third party advertising and other possible uses for the TCN Program as set forth in this Agreement.

1.22 “**Term**” means the period of time for which this Agreement shall be effective in accordance with Section 5.1 hereof.

1.23 “**Transferee**” means individually or collectively, LACMTA’s successors in interest, assignees or transferees of all or any portion of a Property or this Agreement.

2. RECITALS OF PREMISES, PURPOSE AND INTENT.

2.1 Purpose of this Agreement.

2.1.1 LACMTA Transportation Communication Network Program. LACMTA is in the process of identifying locations on its properties throughout Los Angeles County to implement a network of transportation communication digital displays that will facilitate and promote efficient and attractive roadways, increase public transit ridership, improve public safety and provide revenue generation for LACMTA’s transportation programs. The TCN Program may consist of elements, including, without limitation, the following:

2.1.1.1. Intelligent Transportation System, Travel Demand and Public Event Management. The TCN Program will be integrated with LACMTA’s Regional Intelligent Information Transportation Systems that works in coordination with all of the major transportation agencies and bus lines such as Caltrans, the Los Angeles Department of Transportation, California Highway Patrol, Foothill Transit and the Los Angeles County Department of Public Works to maximize the capacity and efficiency of the regional transportation network. The additional intelligent technology components of the TCN Program will assist LACMTA in increasing the quantity and speed of data collection of real time travel/traffic data, processing and transmission to transportation agencies. Real time data collection can support improved traffic signaling timing information, traffic signal timing data, micro transit data and LACMTA van pool on-demand services. The TCN Program will improve the bus rider’s experience by helping to facilitate transit signal priority, bus wi-fi, and bus timing information that can be relayed to bus riders. The TCN Program can also support the collection of event congestion data for LAX, Dodger Stadium, the Hollywood Bowl and other large venues, including travel demand management services for the 2028 Olympic and Paralympic Games, and providing information on available parking spaces in Park-and-Ride lots.

2.1.1.2. Public Transit Promotion and LACMTA Communications. The TCN Program will assist LACMTA’s transportation public messaging and ability to broadcast information in various creative ways to commuters to ensure public safety, maximize throughput of our congested road network, and promote public awareness of travel alternatives based on geography and time periods.

2.1.1.3. Public Safety, Emergency Messaging. The TCN Program will be incorporated into the alert information for the freeway messaging system and major arterial network for the region, including Earthquake Early Warning System information as well as Amber Alerts.

2.1.1.4. Transportation Technology Innovation Initiatives. The TCN Structures will be designed to include programs, such as 5G technology, as well as live video and

security feeds to supplement the limited number of existing cameras on the freeway and street corridors. The TCN Program will be designed to support future innovations such as autonomous vehicles, smart energy grids, and high-speed wireless cameras. Any information received from such cameras shall be used for mass traffic data, and personal or private information of any individual shall not be separately used.

2.1.1.5. Revenue Generation for Transportation Projects. The digital displays in the TCN Program will also allow off-site advertising. Revenue generated by this program will be utilized by LACMTA and City to fund transportation programs.

2.1.2 **Public Benefits.** This Agreement provides assurances that the public benefits identified in this Agreement will be achieved and developed in accordance with the terms of this Agreement. The Project will provide local and regional public benefits to City as set forth in this Agreement.

2.1.3 **Mutual Objectives.** Development of the TCN Program in accordance with this Agreement will provide for the orderly development of the Properties in accordance with the objectives set forth in this Agreement and shall provide benefits to City, LACMTA and the residents of City and surrounding areas. Moreover, an agreement for the TCN Program will eliminate uncertainty in planning for and securing orderly development of the TCN Program on the Properties, assure installation of necessary improvements, assure attainment of maximum efficient resource utilization within City at the least economic cost to its citizens and otherwise achieve the goals and purposes of City and LACMTA. The execution of this Agreement does not obligate the City or LACMTA to move forward with the TCN Program, which shall be subject to the approval of CEQA in addition to the Ordinance, which will further develop specific elements of the TCN Program not otherwise addressed herein.

2.1.4 **Intent for Use of the Shared Revenue.** It is the intent of both Parties that the City's portion of the Shared Revenue (as defined herein) is to be used for transportation improvements including projects that are consistent with the following goals of the LACMTA Vision 2028 Plan: (i) provide high-quality mobility options that enable people to spend less time traveling; (ii) deliver outstanding trip experiences for all users of the transportation system; (iii) enhance communities and lives through mobility and access to opportunity; and (iv) transform LA County through regional collaboration and national leadership. These goals require partnership with the City and complement existing City goals. Other projects may include those that promote pedestrian and cyclist safety in the general vicinity of transit stops and that benefit bus riders in the City, with a focus on low-income, persons of color in LACMTA's defined Equity Focus Communities. Each year, LACMTA will provide an estimate of the projected City's Shared Revenue, but LACMTA does not guarantee such Shared Revenue. The City shall deposit its portion of the Shared Revenue into a special fund to be known as the Transportation Communications Network Revenue Fund (the "Fund") and, as part of its annual City budget process, will program those funds exclusively for the following (or substantially similar) purposes:

- (1) Funding transportation projects and services, including City transit lines or other public transit service, and for the payment of any and all expenses relating or incidental thereto, including operating expenses;
- (2) Funding the purchase, lease or rental of transit related equipment, including buses, trucks, transit shelters and street furniture, and all expenses relating or incidental thereto;

- (3) Funding consultant studies, City staff costs, land acquisition, design or construction of the following: (A) sidewalks, curb improvements, and beautification projects needed to improve conditions for public transit patrons; (B) pedestrian safety improvements in the public right-of-way including, but not limited to, speed humps, street resurfacing, traffic lane or pedestrian marking and signage, and acquisition of property to widen the public right-of-way to create safer traffic flow, bicycle lanes, or to create safer pedestrian routes to improve conditions for public transit patrons; and (C) public amenities to improve the quality of life for public transit patrons, residents and businesses in transit oriented districts; and (D) all expenses related or incidental to those uses; and,
- (4) The repayment of any money borrowed or advanced from any other fund for purposes described above in (1)-(3) with the intent that reimbursement be made from the Fund.

The Fund shall be administered by the General Manager of the Department of Transportation. All interest and other earnings accruing on money in the Fund shall be credited to the Fund and shall be devoted to the purposes of the Fund. Pursuant to Charter Section 344, money in the Fund shall not revert to the Reserve Fund of the City.

3. AGREEMENT AND ASSURANCES.

3.1 Agreement and Assurance on the Part of LACMTA. In consideration for City entering into this Agreement, and as an inducement for City to obligate itself to carry out the covenants and conditions set forth in this Agreement, and in order to effectuate the promises, purposes and intentions set forth in this Agreement, LACMTA hereby agrees as follows:

3.1.1 Interest in Sites. LACMTA acknowledges and agrees that it has a legal or equitable interest in the Properties and thus is qualified to enter into and be a party to this Agreement and the right to cause the construction, development, operation and/or management of the Properties. Upon execution of this Agreement by all Parties and in connection with the commencement of CEQA, LACMTA shall confer with the City with regard to the potential locations of the TCN Structures.

3.1.2 Program Development. LACMTA agrees that, taking into account the needs of a public transportation agency and the TCN Program requirements, it will diligently undertake development of the TCN Program in accordance with the terms and conditions of this Agreement and the Project Approvals. LACMTA shall have the right to place the TCN Structures on the Properties in LACMTA's discretion subject to Project Approvals, as such Properties may be amended, modified, updated or replaced from time to time in order to develop the TCN Program.

3.1.3 Additional Obligations of LACMTA as Consideration for this Agreement. As additional consideration for this Agreement, LACMTA shall also provide public benefits including, but not limited to, the specific public benefits listed below:

3.1.3.1 Shared Revenue. LACMTA and City shall each receive its portion of the Shared Revenue from the TCN Program pursuant to the terms of this Agreement. The Net Revenue shall be collected by LACMTA in accordance with the terms of this Agreement, and LACMTA shall audit the Net Revenue received. LACMTA shall pay City's portion of the Shared Revenue within sixty (60) days following verification of the accuracy of such funds by LACMTA,

which shall not be unreasonably withheld, conditioned or delayed, as well as provide the City with supporting documentation of the paid Shared Revenue, to be used by City in accordance with the terms of this Agreement.

3.1.3.2. Review of Shared Revenue. With prior written notice of not less than thirty (30) days, City and LACMTA each has the right but not the obligation to review the Shared Revenue received and the Net Revenue paid to LACMTA and the use of the City's portion of the Shared Revenues, as applicable, at LACMTA's or City's office, on normal workdays between 9:00 a.m. and 4:00 p.m. once every two years. Should the ability to review the Shared Revenue or use of the Shared Revenues be restricted from occurring in person at either LACMTA's or the City's offices due to health, safety, or other local, state or federal orders, each Party shall make all relevant information available to the other Party through virtual/online means. If the statement of Shared Revenue previously provided to City shall be found to be inaccurate, then and in that event, there shall be an adjustment and one Party shall pay to the other on demand such sums as may be necessary to settle in full the accurate amount of the Shared Revenue that should have been paid to City for the period or periods covered by such inaccurate statement or statements. Pursuant to the Fund to be established, the City will draft a report on the Transportation Communications Network Revenue Fund on an annual basis, within 90 days after the close of the City's fiscal year, that will identify all receipts into, and all transfers and expenditures out of, the fund, as well as the purposes for which the transfers and expenditures were made.

3.1.4 Take Downs. As a part of the TCN Program, LACMTA shall endeavor to cause the removal of up to 320 static billboard display faces from LACMTA-owned or operated property, of which approximately 200 static billboard display faces are located on property in City. LACMTA acknowledges that the City reserves the right to create a take-down requirement in the Ordinance, which will be mutually agreed upon by LACMTA and the City.

3.1.5 Compliance with Laws; Prohibited Use.

3.1.5.1. LACMTA will comply with all local, state and federal laws relating to Properties and other aspects of the TCN Structures to the extent including but not limited to building and electrical permits for the TCN structures required by the City. The display faces on the TCN Structures will not be placed in or within 200 feet of residential zones or will not be oriented facing a residential zone within such 200 foot distance.

3.1.5.2. LACMTA shall coordinate with City regarding illumination, brightness and other requirements related to the digital displays on the TCN Structures. The digital displays on the TCN Structures shall comply with the applicable sections of City's building code with respect to sign illumination.

3.1.5.3. LACMTA shall not utilize any of the display faces on the TCN Structures to advertise anything prohibited by City ordinance then in effect.

3.2 Agreement and Assurances on the Part of City. In consideration for LACMTA entering into this Agreement, and as an inducement for LACMTA to obligate itself to carry out the covenants and conditions set forth in this Agreement, and in order to effectuate the promises, purposes and intentions set forth in this Agreement, City hereby agrees as follows:

3.2.1 **City's Police Power.** Notwithstanding any other provision of this Agreement, the City hereby reserves its police power with regard to enacting the Ordinance or taking any other legislative action relating to this Agreement.

3.2.2 **Timeframes and Staffing for Processing and Review.** City agrees that expeditious processing of Ministerial Permits and Approvals and Discretionary Actions, if any, and any other approvals or actions required for the TCN Program are critical to the implementation of the TCN Program. In recognition of the importance of timely processing and review of Ministerial Permits and Approvals, City agrees to work with LACMTA to establish time frames for processing and reviewing such Ministerial Permits and Approvals and to comply with timeframes established in the Project Approvals. Furthermore, City shall use good faith efforts to expedite all requests by LACMTA for Discretionary Actions requested for the TCN Program, if any.

4. CEQA COMPLIANCE

4.1 CEQA Analysis.

4.1.1 **Lead Agency.** LACMTA shall act as lead agency and shall comply with all applicable requirements of CEQA prior to implementation for each Property and TCN Structure that is part of the TCN Program. Environmental compliance shall be conducted on a programmatic basis for the TCN Program and study locations that are owned or operated by LACMTA; provided, however, this Agreement itself is not a commitment by either Party to any project and does not have any physical impacts on the environment and is not considered a project under CEQA.

4.1.2 **Implementation.** The implementation of this Agreement shall be contingent upon City enacting legislation that allows off-site advertising to be displayed on the TCN Structures and subject to any design and development standards, including any Mitigation Measures. LACMTA's CEQA reports and analysis for the project shall encompass any City legislative changes needed to allow for the furtherance of this TCN Program. The City agrees to pay for fifty percent (50%) of LACMTA's (or its agent's) cost of the CEQA Compliance Document(s) in the event of a "no build" alternative scenario as described under Section 4.1.3(i). The City's financial obligation under the "no build" alternative scenario is not expected to exceed \$1,000,000. Any amount over \$1,000,000 shall be subject to the City reviewing and approving further costs prior to their programming and commitment by LACMTA.

4.1.3 **CEQA Review.** Because the Parties have not completed a CEQA review, this Agreement does not constitute or evidence an approval by the Parties of, or commitment of the Parties to, any action for which prior environmental review is required under CEQA. The Parties retain the absolute discretion to make decisions under CEQA, which discretion includes, without limitation (i) deciding not to proceed with the TCN Program (known as the "no build" alternative) and (ii) deciding to approve the TCN Program and/or any of the actions contemplated in this Agreement (the "**Potential Actions**"); and (iii) the imposition of any Mitigation Measures or alternatives to the TCN Program or Potential Actions. There shall be no approval or commitment by the Parties regarding the development of the TCN Program or any of the Potential Actions, unless and until LACMTA, as the lead agency, and City as a potentially responsible agency, based upon information resulting from the CEQA environmental review process, consider the impacts of the TCN Program and Potential Actions. This means that no specific location for take down of a static billboard display face or installation of a new TCN Structure will be approved until after the CEQA review is completed and the City has enacted an Ordinance that will enable the outdoor advertising on the TCN structures. The CEQA review and Ordinance will address potential restrictions on placement of new TCN structures, such as distance limits from residential uses.

5. GENERAL PROVISIONS.

5.1 **Term.** The Term of this Agreement shall commence on the Effective Date and shall extend for a period of twenty (20) years after the Effective Date. Prior to the expiration of the Term, City and LACMTA shall negotiate in good faith to extend the terms of this Agreement based on an evaluation of the status of the TCN Program at such time and agree on a mutually beneficial path forward. Following the expiration of the Term or earlier termination, this Agreement shall terminate and be of no further force and effect; provided, however, that this termination shall not affect any right or duty arising from entitlements or approvals, including the Project Approvals on the Properties, approved concurrently with, or subsequent to, the Effective Date of this Agreement.

5.2 **Enforced Delay; Extension of Time of Performance.** In addition to specific provisions of this Agreement, whenever a period of time, including a reasonable period of time, is designated within which a Party hereto is required to do or complete any act, matter or thing, the time for the doing or completion thereof shall be extended by a period of time equal to the number of days during which such Party is actually prevented from, or is unreasonably interfered with, the doing or completion of such act, matter or thing because of causes beyond the reasonable control of the Party to be excused, including: war; insurrection; riots; floods; earthquakes; fires; casualties; pandemics; acts of God; unusual economic or governmental circumstances that limit the ability to generate revenue from the digital displays on the TCN Structures, litigation and administrative proceedings against the TCN Program; any approval required by City or the State of California Department of Transportation; restrictions imposed or mandated by other governmental entities; enactment of conflicting state or federal laws or regulations; judicial decisions; or similar bases for excused performance which are not within the reasonable control of the Party to be excused (financial inability excepted). This Section shall not be applicable to any proceedings with respect to bankruptcy or receivership initiated by or on behalf of LACMTA, or by any third parties against LACMTA if not dismissed within ninety (90) days; provided however, this Section shall be applicable to every other provision in this Agreement. If written notice of such delay is given to any Party within thirty (30) days of the commencement of such delay, an extension of time for such cause will be granted in writing for the period of the enforced delay or longer as may be reasonable or mutually agreed upon.

5.3 **Dispute Resolution.** The Parties shall make reasonable efforts to settle all disputes arising out of or in connection with this Agreement. Before exercising any remedy provided by law, a Party or the Parties shall engage in nonbinding mediation in the manner agreed upon by the Parties. The Parties agree that each Party may specifically enforce this section. If nonbinding mediation is not initiated or does not result in the settlement of a dispute within sixty (60) days after the demand for mediation is made, either Party may pursue any remedies provided by law.

5.4 **Applicable Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of California.

5.5 **Amendments.** This Agreement may be amended from time to time by mutual consent in writing of the Parties to this Agreement.

5.6 **Covenants.** The provisions of this Agreement shall constitute covenants which shall run with the land comprising the Properties for the benefit thereof, and the burdens and benefits hereof shall bind and inure to the benefit of all assignees, transferees, and successors to the Parties hereto.

5.7 **Cooperation and Implementation.**

5.7.1 **Processing.** Upon adoption of the Ordinance, City shall commence and diligently process all required steps necessary for the implementation of this Agreement and development of the Properties in accordance with the terms of this Agreement. LACMTA shall, in a timely manner, provide City with all documents, plans, fees and other information necessary for City to carry out its processing obligations pursuant to this Agreement.

5.7.2 **Other Governmental Permits.** LACMTA shall apply in a timely manner for such other permits and approvals as may be required from other governmental or quasi-governmental agencies having jurisdiction over the TCN Program, if any. City shall cooperate with LACMTA in its endeavors to obtain such permits and approvals and shall, from time to time at the request of LACMTA, attempt with due diligence and in good faith to enter into binding agreements with any such entity to ensure the availability of such permits and approvals, or services, provided such agreements are reasonable and not detrimental to City.

5.7.3 **Cooperation in The Event of Legal Challenge.** In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the Parties hereby agree to affirmatively cooperate in defending said action.

5.8 **Relationship of the Parties.** It is understood and agreed by the Parties hereto that the contractual relationship created between the Parties hereunder is that LACMTA is an independent public entity with respect to City and is not an agent of City. Further, the Parties agree and hereby renounce the existence of any form of joint venture or partnership between City and LACMTA and agree that nothing herein or in any document executed in connection herewith shall be construed as making City a joint venturer or partner with LACMTA.

5.9 **Indemnification and Insurance.**

5.9.1 **Indemnification by LACMTA.** LACMTA shall indemnify City, its officers, employees, and agents against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions, or liabilities (herein "claims or liabilities") that may be asserted or claimed by any person, firm, or entity arising out of or in connection with (1) the work, operations, or activities of LACMTA, its agents, employees, subcontractors, or invitees, hereunder, upon the Properties; or (2) any legal action commenced by any third party challenging the validity of the environmental assessment of the TCN Program under CEQA performed by LACMTA as lead agency. LACMTA will defend any action or actions filed in connection with any of said claims or liabilities listed in the foregoing sentence and will pay all third-party costs and expenses, including reasonable legal costs and attorneys' fees incurred in connection therewith. LACMTA will promptly pay any judgment rendered against City, its officers, agents, or employees for any such claims or liabilities arising out of or in connection with the work, operations,

or activities of LACMTA. The foregoing indemnity shall not include claims or liabilities arising from the gross negligence or willful misconduct of City, its officers, agents, or employees.

5.9.2 Additional Coverage. Without limiting the generality of the foregoing, said indemnity shall include any liability arising by reason of: (a) any claim made by any assignee, employee, agent, visitor, invitee, or user of any portion of a Property; (b) any accident or other occurrence in or on a Property causing injury to any person or property whatsoever; (c) any failure of LACMTA to comply with performance of all of the applicable provisions of this Agreement; or (d) LACMTA's failure to prevent any employee or any invitee or any other person from entering upon or remaining in any place upon a Property which is not safe and does not comply with all laws pertaining thereto as they may now or hereafter exist. The foregoing indemnity shall not include claims or liabilities arising from the gross negligence or willful misconduct of City, its officers, agents, or employees.

5.9.3 Indemnification by City. City shall indemnify LACMTA, its officers, employees, and agents against, and will hold and save LACMTA harmless from, any and all claims or liabilities that may be asserted or claimed by any person, firm, or entity arising out of or in connection with (1) any failure of City to comply with the performance of all of the applicable provisions of this Agreement; or (2) any legal action commenced by any third party challenging the validity of the Ordinance enacted by City, any Discretionary Action, Ministerial Permits or Approvals or other actions by City in connection with the approval of the TCN Program. City will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith. The foregoing indemnity shall not include claims or liabilities arising from the gross negligence or willful misconduct of LACMTA, its officers, agents, or employees.

5.9.4 Period of Indemnification. The obligations for indemnity under this Section 5.9 shall begin upon the Effective Date and shall terminate upon termination of this Agreement, provided that indemnification shall apply to all claims or liabilities arising during that period even if asserted at any time thereafter.

5.10 Extension of Time for All Project Approvals. The duration of all Project Approvals shall automatically be extended for the Term of this Agreement.

5.11 Notices. Any notice or communication required hereunder between the Parties must be in writing and shall be given either personally or by registered or certified mail, return receipt requested, or nationally recognized overnight courier. Notices shall be deemed to be received upon actual receipt or refusal thereof. Any Party hereto may at any time, by giving ten (10) days' written notice to the other Party hereto, designate any other address in substitution of the address, or any additional address, to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

To City: City of Los Angeles
City Administrative Officer
200 North Main Street, Room 1500
Los Angeles, California 90012
(213) 473-7534

Attn:

To LACMTA:

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-18-4
Los Angeles, California 90012-2952
Attn: Sr. EO, Real Property Management & Development

5.12 **Recordation.** Within ten (10) days following City's adoption of the Ordinance, this Agreement shall be recorded by LACMTA with the Registrar-Recorder of the County of Los Angeles.

5.13 **Constructive Notice and Acceptance.** Every person who now or hereafter owns or acquires any right, title, interest in or to any portion of the Property or the TCN Structure, is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in a Property or TCN Structure.

5.14 **Severability.** If any provisions, conditions, or covenants of this Agreement, or the application thereof to any circumstances of any Party, shall be held invalid or unenforceable, the remainder of this Agreement or the application of such provision, condition, or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

5.15 **Time of the Essence.** Time is of the essence for each provision of this Agreement of which time is an element.

5.16 **Waiver.** No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought. No waiver of any right or remedy with respect to any occurrence or event shall be deemed a waiver of any right or remedy with respect to any other occurrence or event.

5.17 **No Third-Party Beneficiaries.** The only Parties to this Agreement are City and LACMTA, and their successors-in-interest, transferees, or assignees. There are no third-party beneficiaries and this Agreement is not intended and shall not be construed to benefit or be enforceable by any other person whatsoever. Notwithstanding the foregoing, All Vision LLC, LACMTA's agent with respect to the TCN Program shall be a third-party beneficiary to this Agreement.

5.18 **Entire Agreement.** This Agreement sets forth and contains the entire understanding and agreement of the Parties and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein (or any such representations, understandings or ancillary covenants, undertakings or agreements are integrated in this Agreement) and no testimony or evidence of any such representations, understandings, or covenants shall be admissible in any proceedings of any kind or nature to interpret or determine the provisions or conditions of this Agreement.

5.19 **Legal Advice; Neutral Interpretation; Headings, Table of Contents, and Index.** Each Party acknowledges that it has received independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions hereof. The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any Party based upon any attribution to such Party as the source of the language in question. The headings, table of contents, and index used in this Agreement are for the convenience of reference only and shall not be used in construing this Agreement.

5.20 **Discretion to Encumber.** This Agreement shall not prevent or limit LACMTA in any manner, at its sole discretion, from encumbering the Properties or any portion of the Properties or any improvement on the Properties by any mortgage, deed of trust or other security device securing financing with respect to the Properties or their improvements.

5.21 **Expedited Processing.** Each Party agrees to cooperate in the expedited processing of any legal action seeking specific performance, declaratory relief or injunctive relief, to set court dates at the earliest practicable date(s) and not cause delay in the prosecution/defense of the action, provided such cooperation shall not require any Party to waive any rights.

5.22 **Non-liability of City and LACMTA Officials.** No officer, official, member, employee, attorney, agent, or representatives of City or LACMTA or its agents or representatives shall be liable for any amounts due hereunder, and no judgment or execution thereon entered in any action hereon shall be personally enforced against any such officer, official, member, employee, attorney, agent, or representative.

5.23 **No Brokers.** Each Party represents and warrants to the other that it has not employed any broker and/or finder to represent its interest in this Agreement. Each Party agrees to indemnify and hold the other free and harmless from and against any and all liability, loss, claim, damage, cost, penalty or obligations arising out of a breach of this Section 5.23.

5.24 **Recitals.** The recitals noted on the first page are hereby made a part of this Agreement.

5.25 **Counterparts.** This Agreement may be executed in duplicate originals, each of which is deemed to be an original. This Agreement, not counting the Cover Page, consists of 16 pages and one (1) Schedule.

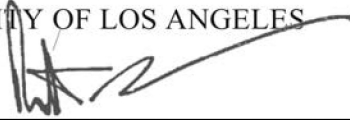
5.26 **Common Interest.** LACMTA and City acknowledge and agree that consideration, drafting and negotiation of this Agreement is a mutual undertaking that required the cooperation of LACMTA's, All Vision LLC's and City's respective legal counsel and representatives. LACMTA and City, and their respective advisors and consultants (including, without limitation, All Vision LLC and its respective advisors, consultants and legal counsel), shall work together in confidence, and shall take all reasonable steps to protect the confidentiality of their advice and counsel to the maximum extent permitted by the California Public Records Act (Chapter 3.5 of Division 7 of Title 1 of the California Government Code), applicable law affording privilege to attorney-client communications and work product, and the "Common Interest Doctrine". To the extent consistent with the law, LACMTA and City shall maintain security and control over all


documents and e-mails containing proposals, correspondence, documents, information and data related to the TCN Program and Potential Actions generated by either Party in connection with negotiations (“Confidential Information”) and each Party shall ensure that all of its advisors and consultants at any level maintain the confidentiality, security and control over all Confidential Information. To the extent consistent with the law, unless mutually agreed in writing by both LACMTA and City, neither Party will divulge any Confidential Information to the media, any member of the public, or any other party. Notwithstanding any contrary provision, this Section 5.26 is a binding agreement and will survive termination of this Agreement.

[Signatures on the next page]


IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

City: CITY OF LOS ANGELES

By: 
Matthew W. Szabo, City Administrative Officer
1/12/2022

ATTEST: 
By: _____
2/3/22



APPROVED AS TO FORM:
By: 
Kenneth I. Fong, Deputy City Attorney

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY

By: _____

APPROVED AS TO FORM:

RODRIGO CASTRO-SILVA
County Counsel

By: _____
Ronald W. Stamm
Principal Deputy County Counsel

[end of signatures]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

City: CITY OF LOS ANGELES

By _____

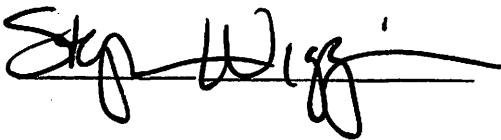
ATTEST:

By: _____

APPROVED AS TO FORM:


By: _____
_____, City Attorney

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY

By  _____

APPROVED AS TO FORM:

RODRIGO CASTRO-SILVA
County Counsel

By: 

Ronald W. Stamm
Principal Deputy County Counsel

[end of signatures]

HOLLY L. WOLCOTT
CITY CLERK

PETTY F. SANTOS
EXECUTIVE OFFICER

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. LATTIMORE
DIVISION MANAGER

CLERK.LACITY.ORG

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

Council File No.: 22-0392

Council Meeting Date: June 28, 2022

Agenda Item No.: 25

Agenda Description: PLANNING AND LAND USE MANAGEMENT (PLUM) COMMITTEE REPORT relative to preparation of Ordinance to allow digital off-site signs to be displayed on structures that are part of the Transportation Communication Network Program between the City and the Los Angeles County Metropolitan Transportation Authority (Metro).

Council Action: PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT - ADOPTED AS AMENDED BY MOTION (DE LEON – MARTINEZ) AND MOTION (DE LEON – KREKORIAN) FORTHWITH

Council Vote:

YES	Blumenfield	YES	Bonin	ABSENT	Buscaino
ABSENT	Cedillo	YES	de León	ABSENT	Harris-Dawson
ABSENT	Koretz	YES	Krekorian	YES	Lee
YES	Martinez	YES	O'Farrell	YES	Price
YES	Raman	ABSENT	Rodriguez	YES	Wesson, Jr.

HOLLY L. WOLCOTT
CITY CLERK

Adopted Report(s) Title
22-0392 Amending Motion (De Leon - Martinez) as Amended by Motion (De Leon - Krekorian) 6-28-22
Report from Planning and Land Use Management Committee_06-21-22