



CITY OF
LOS ANGELES
CALIFORNIA



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WEST HILLS NEIGHBORHOOD COUNCIL

JOINT BOARD AND GOVERNMENT RELATIONS COMMITTEE ONLINE AND TELEPHONIC MEETING AGENDA MONDAY, SEPTEMBER 21, 2020 at 7:30 PM

This meeting of the West Hills Neighborhood Council Government Relations Committee will be conducted online via Zoom Webinar and telephonically. All are invited to attend and participate.

To attend online via Zoom Webinar, paste the following link into your browser: <https://zoom.us/j/97175160378>

To call in by phone, dial (669) 900-6833, then punch in this Webinar code when prompted: **971 7516 0378**, then #

This meeting is open to the public. Comments on matters not on the agenda will be heard during the Public Comment period. Those who wish to speak on an agenda item will be heard when the item is considered.

- Call to Order
- Review minutes from June 2020, July 2020, and August 2020 Special meetings.
- Comments from the Chair
- Public Comment

OLD BUSINESS AND/OR ONGOING BUSINESS

- Discussion and Possible Action on Public Works Forum and budget
- Discussion and Possible Action on 19-0401 Alcohol/Drug Treatment Houses

NEW BUSINESS

- Discussion and Possible Action on Restruction of GRC
- Discussion and Possible Action on 20-0859 Termination of Contracts J Huizar negotiated
- Discussion and Possible Action on 20-1114 Closure of W. Valley Animal Shelter
- Adjournment

Public Input: The public is requested to fill out a Speaker Card to address the Board on any agenda item before the Board takes an action on an item. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the agenda that are within the Board's jurisdiction will be heard during the General Public Comment period. Please note that under the Brown Act, the Board is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, an issue raised by a member of the public may become the subject of a future committee meeting. Public comment is limited to two minutes per speaker, unless adjusted by the presiding officer of the committee.

Public Posting Of Agendas: WHNC agendas are posted for public review at Shadow Ranch Park, 22633 Vanowen St., West Hills, CA 91307 or at our website, www.westhillsnc.org. You can also receive our agendas via email by subscribing to the City of Los Angeles Early Notification System at www.lacity.org/government/Subscriptions/NeighborhoodCouncils/index.

The Americans With Disabilities Act: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices and other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three business days (72 hours) prior to the meeting you wish to attend by contacting the WHNC's executive director via email at Michelle.Ritchie@westhillsnc.org If you are hearing impaired please call 711.

Public Access of Records: In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at the meeting where such writing was considered or by contacting the WHNC's executive director via email at Michelle.Ritchie@westhillsnc.org Requests can be made for a copy of a record related to an item on the agenda.

Reconsideration and Grievance Process: For information on the WHNC's process for board action reconsideration, stakeholder grievance policy or any other procedural matters related to this Council, please consult the WHNC Bylaws. The Bylaws are available at our website, www.WestHillsNC.org.

Servicios De Traducción: Si requiere servicios de traducción, favor de avisar al Concejo Vecinal 3 días de trabajo (72 horas) antes del evento. Por favor contacte Michelle.Ritchie@westhillsnc.org

MOTION

Residential neighborhoods in Los Angeles have seen a dramatic growth in two types of drug and alcohol rehabilitation facilities: licensed and unlicensed facilities. This has resulted in some facilities which are not actually serving the best interests of their clients. This has also caused real issues and problems for some communities where they are located

Drug and alcohol addiction rehabilitation facilities come in many forms including, but not limited to, community care facilities, sober living homes, and group homes. The California State Health and Safety Code (Sections 11834.20-11834.25) provides for the encouragement of the establishment of 'sufficient number and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need.' Section 1566.3 of the California State Health and Safety Code (Community Care Facilities Act of 1973), further provides that whether or not unrelated persons are living together, a residential facility that serves six or fewer persons shall be considered a residential use of property... and in addition, the residents and operators of such facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property pursuant to this article.'

There are an estimated 3.5 million persons with diagnosable substance use disorders in California and a limited number of available recovery residences to effectively provide healthy living environments for long-term recovery. It is estimated that, to recover from addiction, an individual needs four to five years of sustained, comprehensive treatment in a compassionate and supportive environment. Further, it is imperative that the first 30 to 90 days provide sufficient treatment to prevent relapse. However, pursuant to City Council File 14-0118-S1 the City of Los Angeles Department of City Planning identified 934 licensed substance-addiction rehabilitation facilities with 18,723 total beds available for patients within Los Angeles. This means that on average 20 patients are housed in each facility. Such residential patient density intensifies the concern that patients are not provided the expected level of care. It also raises concerns about community impacts that result from an overconcentration of people.

Unlicensed facilities can, through the juxtaposition of State laws and local zoning, provide rehabilitative-style programs for up to six residents which may resemble licensed programs. Bad actor facilities can abuse the Federal and State laws designed to protect them to create a cycle whereby patients are received, processed, and provided basic care on paper, but not in reality. This abuse of patients and the healthcare process is not regulated by local, county, or state laws.

The California Department of Healthcare Services (DHCS) has legal jurisdiction over licensed facilities and subsequent enforcement. Within the DHCS, the Substance Use Disorder Compliance (SUDC) Division Licensing and Certification Branch (LCB) is responsible for assuring that quality services are provided to all patients in a safe, sanitary, and supportive healthy environment through licensure, certification, and regulation. This does not necessarily mean the patients receive high-quality care and support. Currently, licensed facilities are not required to provide evidence-based care, comprehensive rehabilitative programming, critical overdose

APR 16 2019



medicine, and other follow other measures that provide the expected quality of care congruent with the patients' human and legal rights.

One questionable business or programmatic structure known as "integral programs," that are a form of facility within which a licensed facility is associated or affiliated with an unlicensed treatment facility. Without comprehensive oversight and regulatory structures in place, the patients can be shuffled from one facility to another without regard to the patients' needs, treatment status, or enrollment in evidence-based treatment.

In addition, recent changes to City laws regarding accessory dwelling units (ADUs) pose a particular problem for local zoning and planning. An ADU is treated as a separate dwelling unit than the primary residence, and in conjunction with State laws defining the number of residents, poses a concern that bad actor facilities will abuse ADUs to add more residents than prescribed in the intention of these laws.

Past efforts to address the adverse impacts of these types of facilities, licensed or unlicensed, in neighborhoods throughout the City have encountered many land use regulatory complexities, legal, and public policy constraints. As such, these issues need to be carefully addressed to mitigate any adverse impacts of sober living and other drug and alcohol addiction rehabilitation facilities upon the myriad of residential neighborhoods citywide, whether they are licensed or unlicensed or integrated together.

I THEREFORE MOVE that the City Council instruct the Planning Department with the assistance of the City Attorney, to prepare a report relative to sober living homes, community care facilities, group homes, and other alcohol and drug rehabilitation facilities that addresses the following issues:

- 1) City, County, State, and Federal laws that define the human and legal rights of drug and alcohol addiction rehabilitation patients or define the rights of the drug and alcohol addiction rehabilitation facilities, licensed, unlicensed, or integrated.
- 2) County, State, or Federal laws that allow, restrict, or prohibit a city from regulating or banning these licensed or unlicensed facilities, any aspect of their operations, or any aspect of their impacts on surrounding communities.
- 3) County, State, or Federal laws that allow, restrict or prohibit a city from regulating the over-concentration of licensed and unlicensed drug and alcohol addiction rehabilitation facilities.
- 4) Efforts by other cities to regulate drug and alcohol addiction facilities, such as Newport and Costa Mesa, and the outcome of any legal challenges in those cities.
- 5) The legality of integral programs and similar associations between licensed and unlicensed facilities.

6) How the occupancy rules, including but not limited to Uniform Housing Code's Section 503.2 as well as State and local fire codes, relate to the number of patients and workers on-site at a drug and alcohol addiction rehabilitation facility.

7) Whether 24/7 staff on-site counts towards the practical occupancy rate of a house beyond the occupancy rate outlined in City, State, and Federal laws.


8) Whether anything in the codes for building and safety address the existence of two dwellings on one property, such as accessory dwelling units and accessory living quarters, which would allow or prohibit these facilities to circumvent laws related to the number of people living on a property, lot, and/or structure.

9) The legality of operating a drug and alcohol addiction rehabilitation facility's administrative office on residentially zoned property of a facility, in an accessory dwelling unit, in an accessory living quarter, or in a converted garage unit functioning as a commercial business.

10) Recommendations for the purpose of determining if licensed or unlicensed drug and alcohol addiction rehabilitation facilities are operating in a manner appropriate to businesses in commercially zoned lots rather than small-businesses permissible in residential lots.

11) Suggest opportunities and options for what the City can do to address this issue in a more comprehensive manner.

PRESENTED BY:


BOB BLUMENFIELD,
Councilmember, 3rd District

SECONDED BY:



ORIGINAL

MOTION

In the last several months, the United States Department of Justice has brought Federal criminal indictments against Councilmember Jose Huizar and former Councilmember Mitchell Englander. Several other former city employees also have pled guilty or appear to be under continuing investigation related to those indictments.

Among other things, the indictments contain allegations that real estate developers and others gave cash, cash equivalents, lavish gifts and other benefits to Huizar, Englander and other city employees with the intent to induce these public officials to violate their duties of trust to the people of Los Angeles.

California Government Code Section 1090 prohibits public officials, such as city employees and elected officials, from having a personal financial interest in contracts they enter into in their official capacity on behalf of the City. Government Code section 1092 provides that a contract that violates section 1090 may be avoided by any party.

I THEREFORE MOVE that the City Council request the City Attorney to evaluate whether Councilmember Jose Huizar violated Government Code Section 1090 with regard to any real estate development agreement or other contract to which the City is a party, and further evaluate whether such development agreement or other contract is thereby void or subject to rescission, and report back to the City Council with recommendations about the City's potential legal remedies.

I FURTHER MOVE that the City Council instruct the Chief Legislative Analyst, in consultation with the City Attorney, the Department of City Planning and the Department of Building and Safety, to report to the City Council with recommendations for suspending the certificate of occupancy and reconsidering any and all discretionary approvals or entitlements for all projects referenced directly or indirectly in the Federal indictment of Councilmember Jose Huizar, and any other project for which the discretionary approval or entitlement was induced by the illegal activity of Councilmember Jose Huizar.

I FURTHER MOVE that the City Council request the City Attorney to evaluate whether the City of Los Angeles should pursue civil remedies against the individuals or firms referenced in the recent Federal indictments of Councilmember Jose Huizar and Councilmember Mitchell Englander for, among other things, depriving or conspiring to deprive the public and the City of their right to the honest services of employees of the City, including potential causes of action for recovery of foreseeable resulting economic harm.

I FURTHER MOVE that the City Council request the City Attorney to draft an ordinance prohibiting any property owner or developer from seeking any discretionary approval or entitlement in the future from the City of Los Angeles, if the City Council or any court determines that such property owner or developer has induced or conspired to cause a violation of Government Code Section 1090 or otherwise engaged in criminal conduct to defraud the City.

Presented by: Paul Kerkorian
PAUL KERKORIAN
Councilmember, 2nd District

Marqueece Harris-Dawson
MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

Seconded by: Dorey
Mitchell Englander
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ORIGINAL

**PERSONNEL AND
ANIMAL WELFARE**

MOTION


In November 2000, Los Angeles voters overwhelmingly approved Measure F which provided nearly \$533 million in bond funding for a major upgrade of the City's fire stations and animal shelters. Over the course of the ensuing years, almost all of that funding has been expended on projects to modernize and expand the City's fire and animal care facilities. This General Obligation Bond provided the necessary \$154 million in financing for the construction and/or rehabilitation of 8 animal shelters, most notably the West Valley Animal Shelter.

In response to the City's current financial situation, due to the impacts of COVID-19, our City departments have had to make temporary changes to their operating budgets and that includes the Department of Animal Services. However, it has come to the Council's attention that the once temporary plan to shutter City operations at the West Valley Animal Shelter, due to COVID-19, could now become permanent.

With both valley shelters covering a geographic expanse that constitutes 40% of the total area of Los Angeles, with an estimated 1.77 million population, it is imperative that the City maintain its operations at the West Valley Animal Shelter. In 2019, the West Valley shelter impounded a total of 9,320 animals, while the East Valley shelter impounded 14,605. The City would be negligent in their obligation to provide necessary services to all stray or lost animals if the West Valley shelter no longer operates as a city shelter and the burden to accommodate and care for an estimated 24,000 animals is left to only the East Valley shelter.

I THEREFORE MOVE that the Department of Animal Services be instructed to report immediately to this council on the long term plan for the West Valley Animal Shelter.

PRESENTED BY _____


JOHN S. LEE (verbal)
Councilmember, 12th District

SECONDED BY _____

BOB BLUMENFIELD (verbal)
Councilmember, 3rd District