

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Honorable Mike Feuer
City Attorney, Los Angeles
City Hall East
200 N. Main Street, 8th Floor
Los Angeles, CA 90012

Dear Governor Newsom and City Attorney Feuer:

The West Hills Neighborhood Council formally requests that the City Attorney's office revise the memorandum on "Neighborhood Councils and Ballot Measures / Lobbying / State and Federal Legislation" to explicitly allow Neighborhood Councils to advocate their positions on state and federal legislation directly to state and federal officials, including any non-city government agencies, responsible for the legislation, or governmental agency interpretation, at issue.

Specifically, we ask that the City Attorney rescind, in full, the following guidance:

- "Neighborhood Councils may not advocate their positions on state and federal legislation to non-City governmental agencies. (Only the Mayor and the City Council have power over intergovernmental relations, which include advocating the City's position on laws that are pending with state or federal agencies or before the state legislature or federal government.)," and
- "Neighborhood Councils may not advocate their positions to non-Coty [sic] governmental agencies because Neighborhood Councils, pursuant to the Charter, are advisory to the City's decision makers."

Additionally, we ask that the City Attorney advise Neighborhood Councils with the following guidance:

- "Neighborhood Councils may advocate their positions on state and federal legislation to the state or federal legislators who represent the state or federal district in which the Neighborhood Council exists," and
- "Neighborhood Councils may advocate their positions to Non-City governmental agencies because these agencies shape policy and procedure that affects the constituency whom Neighborhood Councils represent."

In December 2019, the West Hills Neighborhood Council was visited by Nikki Perez, a representative of Assemblyman Jesse Gabriel's office. Ms. Perez informed our Council that Assemblyman Gabriel's office was in the process of crafting their 2020 Legislative Agenda, and that the "Public Comment" period, where the public can weigh-in on what legislative items they would like added to that agenda, ended on February 23, 2020.

Ms. Perez subsequently urged our Council to reach out to Assemblyman Gabriel's office for any proposals we would like added to that agenda.

Under the City Attorney's guidance, we are, outrageously, prohibited from taking any such action.

In fact, according to the guidance offered, our only options to voice our opinion on proposed legislation is to either (1) ask our City Councilperson to advocate for legislation that currently does not exist, and which he/she will have no responsibility nor ability to create at a state level, or (2) ask our City Councilperson to forward a letter to our state Legislator(s), rendering he/she little more than an intermediary messenger.

The West Hills Neighborhood Council finds this situation completely unacceptable and believes that this is a direct attempt to cripple Neighborhood Councils' ability to advocate causes directly to their own elected representatives.

Consider the following scenarios:

1. A City Councilperson resigns from office, leaving their seat vacant.

If the Neighborhood Council has no current Councilperson, and they are barred from directly advocating to their state or federal legislator, how do they advocate on state or federal legislative issues, or government agency interpretations, if they do not have a Councilperson as a conduit? In this scenario, Neighborhood Councils are left without a voice on pressing matters through no fault of their own, and, according to the guidance of the City Attorney's office, will not have any ability to advocate to their state or federal legislators until a new City Councilperson is seated.

Neighborhood Councils should not be ignored because their City Council seat is currently vacant.

2. A City Councilperson disagrees with a Neighborhood Council's advocacy position and refuses to act as a conduit to the state or federal legislator representing the Neighborhood Council at a state or federal level.

If a City Councilperson decides that it is personally or politically expedient for him/her to ignore the advocacy of a Neighborhood Council, and refuses to pass on any concerns or legislative advocacy to the state or federal legislators representing a Neighborhood Council, the Council's voice has effectively been suppressed, and their ability to advocate on behalf of their constituents is nonexistent. In instances where Neighborhood Councils feel their voices have been ignored or suppressed by the City Councilperson elected to represent them, under the current guidance, there is no recourse or ability to appeal directly to a state or federal legislator who represents the Neighborhood Council.

No City Councilperson should have this much control over the voice of any constituent, let alone the collection of constituents elected to Neighborhood Councils to represent their local communities.

3. A City Councilperson is derelict in their responses to, or in actions on behalf of, Neighborhood Councils, causing critical deadlines on legislative issues to be missed.

If a City Councilperson misses critical deadlines for Public Comment, such as the Public Comment period for an upcoming legislative agenda, then Neighborhood Councils have lost their ability to voice their concerns or support for critical legislative issues that affect their constituents. Moreover, the cause of this suppression would be nothing more than a matter of inefficient bureaucratic protocol, easily avoidable if Neighborhood Councils were able to advocate directly to the state and federal legislators responsible for the matters considered. Why should Neighborhood Councils who make efforts to meet deadlines on important state and federal legislative matters be held hostage by the same effort, or lack thereof, to meet the same deadlines by their City Councilperson?

Neighborhood Councils should not be artificially constrained in their ability to address pressing legislative matters by being required to rely on the prompt actions of Councilpersons.

The West Hills Neighborhood Council does not believe any of these scenarios are acceptable. We believe it is our duty to our constituents to be able advocate on their behalf to the state and federal legislators, and regulatory agencies, who are directly responsible for enacting legislative agendas and regulatory guidelines, and to do so in a prompt and expedient manner.

Constraining Neighborhood Councils by forcing them to address matters that are solely the responsibility of state or federal legislators through the City Council causes unnecessary bureaucratic delays, forces Neighborhood Councils to address their concerns to a level of government that has no jurisdiction or control over the state or federal legislative issues being addressed, and leaves open the opportunity for those matters to be ignored for purely political reasons. These situations are anathema to the very system of Neighborhood Council representation.

Charter Article IX, Section 900, which expressly lays out the Purpose of the Department of Neighborhood Empowerment, and the creation of the Neighborhood Council system, states:

“To promote more citizen participation in government and make government more responsive to local needs, a citywide system of neighborhood councils, and a Department of Neighborhood Empowerment is created. Neighborhood councils shall include representatives of the many diverse interests in communities and shall have an advisory role on issues of concern to the neighborhood.”

We can think of few participatory actions that may have greater and farther-reaching impact than direct proposals for legislation that will affect tens of millions of Californians. In order for these interactions to operate with peak efficiency, direct communication between the Neighborhood Councils and their state and federal legislators is vastly superior to a system that requires the Councils to communicate and respond through the City Council as an intermediary.

Additionally, “issues of concern to the neighborhood” do not necessarily end at the boundaries of our community, nor the city-limits of Los Angeles. In order for Neighborhood Councils to fulfil their stated advisory capacity, we must be able to follow those unconstrained issues of concern to their logical destination, especially when that logical destination is responsible for any and all actions on those issues of concern. In this instance, that destination is direct advocacy to the state legislature.

Most importantly, nowhere in the Department of Neighborhood Empowerment Charter does it explicitly prohibit Neighborhood Councils from directly contacting state and federal legislators who represent them, or non-city government agencies. Similarly, nowhere in the Charter are Neighborhood Councils restricted to communications solely with the City Council and its members. In fact, Neighborhood Councils are a separate, non-subordinate branch of local government, and therefore should not be under any obligation to channel their communications through City Council representatives.

We ask that you urgently revise the guidance on these issues so that Neighborhood Councils are free to make formal legislative requests to the legislators that represent them prior to the end of the Public Comment period for the upcoming 2020 Legislative Session.

Respectfully yours,

West Hills Neighborhood Council Board of Directors