

ELEVEN (11) RECOMMENDATIONS **from the May 29, 2010 meeting of the** **NCs' BUDGET ADVOCATES (NCBAs)**

prepared by Daniel Wiseman, NC Budget Advocate for the South Valley

May 26, 2010

The following specific recommendations were developed at today's meeting (attended by **Ernesto Arias, Scott Bytof, Ginger Damon, Heinrich Keifer, Kelly Lord, Ed Novy and Daniel Wiseman** with special guest, **Paul Hatfield**). These recommendations will be presented for review/discussion/approval/rejection at the next formal meeting of NCs' Budget Advocates (Thursday, June 2, 2010 at 2:30 pm).

These recommendations were prepared and sent to all NCBAs and Over 300 NCASHs for their comment before and after the June 2 meeting. Many require immediate action but this is a "work in progress" ... a "model" for how government actions can be recommended with implementation of a "feed back loop" designed to correct problems and improve the system as it evolves.

GENERAL RECOMMENDATIONS

1. **The NCBAs endorse and support all actions which will result in increased documentation, openness and transparency in City Government.**

RECOMMENDATIONS for FY2009-2010 ISSUES

2. **The NCBAs recommend the immediate creation of Impressed, Pre-funded Checking Accounts for all NCs in order to continue their essential financial actions.**

Background: The current limits upon the financial activities of the NCs (cancellation of the use of Petty Cash, suspension of all warrants and reversion of the roll-over funds), applied by DONE, apparently in accordance with direction from the Mayor and/or City Council, have frozen the NCs' funds and interfere with the NCs' ability to abide by existing obligations (contracts) and to pay for necessary current financial activities.

The NCBAs consider this to be critical and to precede all considerations of the DONE-CDD merger.

Impressed, Pre-funded Checking Accounts have the following characteristics:

- a. They may be utilized no matter what the “final” disposition of DONE (stand-alone, merged or “Incubator” models) are implemented.
- b. They should require two signatures in order to decrease possible misuse of funds.
- c. All 91 NCs should use the Checking Account of the same Bank. That Bank will be instructed and expected to recognize “unacceptable” payees.
- d. All Bank Accounts will be accessible to any reviewer although only the authorized person in each NC may make entries or corrections in the account.
- e. All NCs will reconcile their accounts, monthly, and prepare a full accounting, every three months, which must be approved by a designated review body before the account is replenished.
- f. All NCs will use the same accounting system (commercial or custom-made software package) to make transactions and reports easy to read, approve and compare.
- g. We might employ “interns” from local colleges (USC, UCLA, Cal-State U’s) to participate in bookkeeping, posting and surveillance of these transactions.

3. **The NCBAs recommend advancing a large portion (at least \$ 200 million) of the DWP Power Transfer into the month of July.**

Background: Traditionally, payment of the DWP Power Transfer obligation, incurred in the “previous year,” has occurred in April or May...presumably, to allow DWP the time needed to calculate their Adjusted Gross Income, to have the DWP Board of Commissioners approve the transfer and to have the City Council approve its receipt. Our experience in the last several months has shown several flaws in this reasoning

- a. The fact that DWP pays the 10% Utilities tax on a monthly basis indicates that DWP has a reasonable estimate of its earnings, every month of the year.
- b. This year, the DWP and its Board used the tactic of threatening to withhold the payment of the Power Transfer pending City Council approval of a poorly defined/poorly justified ECAF rate increase. Such action should be prevented in the future.
- c. This request is clearly less than the total obligation and an adjustment can be made for any inaccuracy (over-estimate or under-estimate) with a final payment/reversion in April or May.
- d. A Controller’s Audit of the amount of Reserves and the ability to pay this obligation is pending.

- e. Advancing this payment will decrease the amount of the Tax Revenue Anticipation Notes (TRAN), an interest-bearing loan, necessary to balance the annual July-to-December revenue short-falls.

RECOMMENDATIONS related to the Future of DONE and the Future of the NCs

4. The NCBAs reflect the widespread NC rejection of the Mayor's Proposed merger of DONE and CDD and we call on the Mayor to withdraw his proposal (CF 10-0777) and this portion of the FY2010-2011 Budget Proposal (CF 10-0600) and restore DONE's funds.

Background: We are aware of and feel obliged to endorse and support the wide-spread concern and opposition to this merger, expressed at the May 25, 2010 E&N meeting, by the Valley Alliance of NCs, by the LANC Coalition and by several NCs, Even CM Krekorian's (CD2) survey indicated an 82% plurality opposing the Mayor's Proposal (CF 10-0777).

The Mayor's proposal of a merger of DONE and CDD is so incomplete that it will be difficult or impossible to assure essential DONE activities for many months. These delays will be necessary to finalize the proposed "outsourcing" contracts between multiple non-profit organizations and 91 NCs. The proposed budget contains admitted errors in the proposed DONE budget. (For example, the \$ 100,000 for Training is stated to be \$ 16,700). We see this as equivalent to "cancelling" DONE and paralyzing the 91 NCs for, at least, 6 months into FY2010-2011.

Further, we know that the principles of the City Ordinance #514 ("...transfer shall be effective if ... the Council fails to disapprove the matter within 45 days after submittal by the Mayor...") make it particularly difficult to reverse the Mayor's proposal. The Mayor used #514 to justify CF 10-0777, If the Mayor does not withdraw his proposal or the City Council fails to successfully oppose the Mayor's proposal by June 24th, the Mayor's proposal becomes law and the merger is effectuated. It is unlikely that the City Council will return this issue from the Housing, Community & Economic Development Committee to its own jurisdiction (per an Order #245) within the time necessary to successfully oppose it to avoid an "automatic" approval, as described, above.

Further, we are concerned for the legality of merging DONE (a chartered Department) into or with CDD (an ordinated Department). We believe that this merger threatens to make DONE subservient to CDD and, therefore, unable to fulfill its chartered responsibilities. In spite of a City Attorney statement that the Proposed DONE-CDD merger is legal, this merger may still stimulate a legal challenge to be resolved in a State court.

Further, the proposal retitles DONE (the Department of Neighborhood Empowerment) into ONE (the Office of Neighborhood Empowerment ... no longer a "Department"). It heads this office with an Executive Director whereas DONE was headed by a General Manager. The

ONE Executive Director in the CDD organizational chart is under a CDD Assistant Manager who, in turn, is under the CDD General Manager. That removes DONE two steps from the Mayor when it was in direct (organizational) communication with the Mayor as a “stand-alone” Department.

Finally, the language of the CF 10-0777 proposal (Section 22.461 **“Creation of Community Development and Neighborhood Empowerment Department to Be Known and Referred to as Community Development Department”** ...bold facing, capitalizing and underlining as it appears in CF 10-0777) negates all assurances that the Mayor supports preservation of the role and responsibilities of DONE and the NCs.

5. **The NCBA’s recommend restructuring of the Board of Neighborhood Commissioners to become a more active supervisor of DONE and the NCs. This recommendation is in association with a recommendation to make the residual DONE into a necessary link between the NCs and the City and to utilize the residual DONE staff to support the NCs.**

Background: The FY2010-2011 Allocation for DONE has been decreased to \$ 3.1 million (from \$ 1.65 million in the FY2009-2010 Budget, under CDD) and DONE’s staff has been decreased to 18 (from 43 positions in the FY2009-2010 Budget). This 50% reduction is the largest percentage reduction experienced by any of the City’s Departments...with the exceptions of those Departments which were eliminated entirely...and it has the same effects

To maintain essential DONE functions, **the NCBA’s propose that we create a “New BONC” charged with administrative responsibilities over DONE and the NCs** which would include the following:

- a. A “New BONC” be created, composed of seven (7) members selected as follows:
 - two appointed by the Mayor
 - one appointed by the City Council
 - one appointed by the Controller (to be most involved in the NCs’ finances)
 - three appointed by the NCs
- b. The “New BONC” would have final authority over the DONE and NC allocations.
- c. The “New BONC” would appoint an Advisory Board composed of NC Activists elected by the NCs. (...similarly to the election of the NCs’ Budget Advocates...)
- d. The “New BONC” would be responsible to review and recommend implementation of modifications of the DONE administration which might include the covenants in the Mayor’s DONE-CDD proposal, the so-called Incubator Model and other modifications but this could be done over the next year or more so as not to disrupt the ongoing activities of DONE and the NCs.
- e. The “New BONC” would be responsible for gathering sufficient, qualified and interested

members of the NCs Activists (especially those with Treasury and financial experience) into a Financial Advisory Board which would devise and implement a uniform NCs financial recording system. (See Recommendation #3, above).

- f. The “New BONC” would be responsible for gathering sufficient, qualified and interested members of the NCs Activists to create a system of supervising advisory boards focused on Administrative Management, Outreach, Project Development, Grievance/Problem Resolution and the Mentoring/Orientation/Education programs.
- g. The “New BONC” would be responsible to creating evaluation methods to document and report the activities of the NCs so as to recognize and support achievements, recognize and modify short-comings and serve a feedback method which could be a “model” of the “openness and transparency” we expect of ourselves and of other City Departments, as well.

We recognize the enormity and novelty of these “New BONC” recommendations. However, we are equally aware that DONE has not delivered the services expected and that DONE will not be able to deliver the necessary NC-support services over the next several years. We believe that it is time to convert DONE from its enabling/certifying and policing activities into a “staff support” role to maintain the necessary reports and communications between the NCs and City Government and between the NCs, themselves.

RECOMMENDATIONS for the FY2010-2011 (Proposed) BUDGET and long-term BUDGET ISSUES

- 6. **The NCBA's recommend establishment of periodic (at least every 3 months) review, clarification and reports describing Budget Deficits/Surpluses and the balances in the Reserve Fund.** This would be an expansion of the CAO's periodic Financial Status Reports (FSRs).
- 7. **The NCBA's recommend that the CAO develop a proposal to City Council whereby the Reserve Fund can be increased to 5.0% of the General Fund.**
- 8. **The NCBA's recommend that the CAO expand, clarify, publicize and provide interpretation of the Four-Year Budget Outlook data.** The one-page table in the FY2010-2011 Proposed Budget (page 9) and the FY2010-2011 Revenue Outlook documents are just a start in this process. Fully developed, these reports, appearing regularly and prominently in the FSRs, could modulate the effects of future economic shifts.
- 9. **The NCBA's recommend that the current and future negotiations between the City (management) and its employees (labor) include the following conclusions:**
 - a. **Solution to the salary-compensation-based components of the estimated FY2010-2011 Budget Deficit.**

b. **Support and assure the long-term (sustainable) fiscal competence of the City.**

c. **Include full consideration and agreement on current employee's Health and Welfare Benefits.**

10. **The NCBA's recommend that there be a full and effective consideration and proposal for reform of the City's two Pension Plans (LACERS and the Fire & Police Pension Plans).** These reform measures should include:

a. Verification of the efficiency (qualifications) and ethicality (freedom from conflicts of interest) within the governing bodies of the Plans.

b. Consideration of implementation of a two-tiered program whereby current employees could continue their Defined Benefit Plans but new employees would be offered Defined Contribution Plans.

c. Consideration of increases in Employee Contributions.

d. Consideration of offering current employees renegotiated retirement contracts which satisfy their expectations and, at the same time, limit the City's financial obligation to them.

e. Recalculate and report the real annual Return on Investment of the Pension Plan Assets. (This is necessary to provide a more accurate estimate of the Plans' future obligations ...and the amount of "unfunded benefits"...))

11. **The NCBA's join with many Regional NC Groups, individual NCs and NC Activists who oppose the sale of our parking lots and facilities and the outsourcing of management of our parking meters.**

Background: We believe that the new-style parking meters and improved administration of these activities should make City control of these activities more efficient than any outsourcing. We believe that the sale of assets to meet current expenses is improper and the sale of real estate, in California, has always resulted in a loss of future income and value.

The NCBA's express their concern and primary disapproval of the new application of market-rate rents and Utilities bills on our Libraries and Rec. & Parks Departments. These new costs threaten the solvency of many non-profit organizations which are currently housed/officed in City Buildings.

Thank you,

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