

## LOS ANGELES

## Brown Act Applies to Neighborhood Councils, City Attorney's Office Says

By a MetNews Staff Writer

The City Attorney's Office has notified planners of Los Angeles' new system of neighborhood councils that state open meeting and advance notice laws will apply.

As many as 160 advisory councils that are to be certified by the city beginning next year will be able to convene only if they comply with the Ralph M. Brown Act, the open meetings law that applies to the City Council and committee meetings and official sessions of city boards and commissions, Deputy City Attorney Gwen Poindexter told the Board of Neighborhood Commissioners on Monday.

The City Attorney's Office is expected to unveil a written opinion detailing the legal authority for its decision next week.

Applicability of open meeting laws was not expected to be embraced enthusiastically by all backers of the new councils.

"It's imposing a burden," commission member Rob Glushon said. "It's making it more difficult for a community group to do its work."

Glushon, who said he favored some form of open meeting and advance notice requirement but not necessarily the full application of the Brown Act, said the city attorney's opinion may not be the last word, even if it is currently legally correct.

"There's some friendly legislators that would carry the legislation" to exempt advisory councils of the sort envisioned by the new city charter, Glushon said.

Commission President William Weinberger said it was always expected that there would be open meeting mandates.

"In my perfect world the Brown Act would not apply," he said. "But state law overrides local law. If the city attorney says it applies, it applies. I think it's just a hurdle that neighborhood councils are going to have to deal with."

The City Attorney's Office is also examining whether

neighborhood councils would have to comply with provisions of the Americans with Disabilities Act that require all meeting places to be made accessible to people with disabilities, requiring, for example, installation of wheelchair ramps at meeting rooms that otherwise may be entered only after climbing stairs.

Inquiries have also been made into whether members of neighborhood councils will have to disclose their significant financial interests, as elected officials and city commission members must do.

The questions go the heart of what neighborhood councils are to become and how they will operate. Open meeting, access and disclosure laws could prevent less formal sessions in smaller neighborhood units from meeting, for example, over coffee at a neighbor's home, much like Neighborhood Watch groups that coordinate their activities with the Police Department.

Harry Sondheim, chairman of the Pacific Palisades Community Council, told the Board of Neighborhood Commissioners the advance notice provisions of the Brown Act would prevent him from including a report on the commission meeting at his council's meeting two days later.

"This would make it very difficult for community councils such as ours to operate," Sondheim said.

But supporters of the requirements say neighborhood councils must be bound by at least some access rules or risk becoming a tight-knit group resistant to outsiders.

There is also a question of costs. The Department of Neighborhood Empowerment has begun fine-tuning its draft plan for council certification and is preparing its budget request for the 2001-2001 fiscal year, but has yet to report a final decision on just how much should be sought in city support for each council.

Possible costs identified over the course of 16 briefing sessions around the city include preparing, photocopying, distributing and posting agendas and minutes, renting meeting space, using translation equipment, pro-

viding child care and transportation, and staffing the councils with city lawyers, clerks, and department liaisons.

Cost issues spurred a discussion Monday on just what the department could reasonably promise in its plan for assisting new councils. Some commissioners urged caution, and Poindexter warned that if the department commits to providing office space and equipment but never gets funding for it, "that could form the basis of a lawsuit" by disappointed councils.

Glushon said the department should commit to providing what it believes is necessary to form councils, and let the City Council pare back if necessary.

"If we want a pastrami sandwich with mustard, then let's order a pastrami sandwich-with mustard," Glushon said. "Let's not just order the bread and say well, maybe we'll get the mustard and maybe we'll get the meat."

The commission ultimately voted to commit to providing meeting rooms, transportation and child care, among other things, and to ask for the funding. But the issue will be revisited when the commission adopts a final plan and sends it to the council next month.

Staffing costs, especially, could mount quickly if 160 councils are formed.

But that number, based on a proposed minimum neighborhood size of 25,000 residents, could be much lower. Councils could conceivably form for communities that number five or 10 times as many residents, meaning a far smaller overall number of councils.

The department is considering an exemption process that would allow neighborhoods with fewer than 25,000 to form councils. With exemptions, department staff member Andrew Glazier told the commission, "you're essentially opening the door for every neighborhood in the city to have its own neighborhood council, and I promise you the Department of Neighborhood Empowerment can't handle that."