



## MINUTES - SPECIAL AGENDA – WHWCNC FULL BOARD MEETING

Monday, February 10, 2020 - 6:30 p.m.

American Legion Hall 826

5320 Fallbrook Ave, Woodland Hills, CA 91367

Call to Order – 6:45pm by Joyce Fletcher

Pledge of Allegiance - Paul Lawler

Roll Call - Karen DiBiase

- Present: Aaron Quantz, Karen DiBiase, Tamara Johnson, Paul Lawler, Sean McCarthy, Ray Cole, Nancy McLean, Alex Farassati, Bill Anderson, Martin Lipkin, Dena Weiss, Peter Fletcher, Gilbert Yablon (late 7:01pm), Heath Kline, Lauren Coffman, Ginny Sand, Joyce Fletcher, Houtan Hormozian (late 7:30pm), Sheppard Kaufman Absent: Don Patterson, Brian Drapkin
- Quorum 17

### Public Announcements:

Office of Councilmember Bob Blumenfield – Tim Glick, Field Deputy

Councilmember Blumenfield is bringing 3 motions to the City Council room:

- 1) CD3 to transfer \$5,000 to help keep streets clean
- 2) Dept of Children & Family Services: provide support by adding transportation services and help for youth transition out of foster care
- 3) Fires Require retro-fit of high rise buildings for fire codes

Office of other Local and State Officials – Jeremy Saraie, Rep for Jesse Gabriel

- 1) “Cash for College” workshop is on Feb 18<sup>th</sup>. Flyer provided at meeting
- 2) AB12026: Public Safety regulations to make LA safer
- 3) AB2058: Affordable Housing

Other Public Announcements:

Barbara Metzgerbaum – Woodland Hills Public Library

- 1) Calendar lists various events including Feb 14<sup>th</sup> Comedy Night and Feb 21<sup>st</sup> and March 1<sup>st</sup> Book Sale

Jose Galdamez - EmpowerLA representative

- 1) March 3<sup>rd</sup> voting centers are being set up, open 5-11 days depending on voting site.
- 2) April 14<sup>th</sup> is the deadline to submit ByLaws revisions, afterwards the next deadline will be in 2021.
- 3) “Plan to House LA” forum is on Feb 29<sup>th</sup>. Flyer provided at meeting

**Public Comment Period (on items not on the agenda): (2) minutes per speaker - None**

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### 1. Organization, Operation, Policies, & Procedures:

**NOTE: Item #2 taken out of order, per Joyce Fletcher**

**Item No. (2) Governance Committee, Don Patterson**

**(20-007) Alternate Board member Appointment – Area 7**

Motion for the Board to appoint stakeholder Tim Root as the Alternate Board Member in Area 7.

Motion: Sheppard Kaufman, Second: Heath Kline

PASS Total: 18 Yes: 16 No: 0 Abstain: 2 Ineligible: 0

NOTE: Gilbert now present at meeting and voting

**Approval of Minutes: October 16, 2019** Regular Meeting - Corrected and submitted by Karen DiBiase

*Motion: Joyce Fletcher, Second: Peter Fletcher*

PASS Total: 18 Yes: 15 No: 0 Abstain: 3 Ineligible: 0

**November 13, 2019** Regular Meeting – Corrected and submitted by Karen DiBiase

*Motion: Joyce Fletcher, Second: Peter Fletcher*

PASS Total: 19 Yes: 18 No: 0 Abstain: 1 Ineligible: 0

NOTE: Houtan now present at meeting and voting

**December 11, 2019** Regular Meeting – Written and submitted by Karen DiBiase

*Motion: Joyce Fletcher, Second: Peter Fletcher*

PASS Total: 19 Yes: 18 No: 0 Abstain: 1 Ineligible: 0

**January 8, 2020** Regular Meeting – Written and submitted by Karen DiBiase

*Motion: Joyce Fletcher, Second: Peter Fletcher*

PASS Total: 19 Yes: 11 No: 0 Abstain: 8 Ineligible: 0

## **A. Officer Reports:**

**President** - Joyce Fletcher: Process on the NC - a series of actions or steps taken in order to achieve a particular end.

*All NC Committee Chairs need to be aware of processes/procedures.*

*Future date of monthly Board Meetings is still pending. Empower LA requires we have a specific date/time for a year to hold our NC meetings. 2<sup>nd</sup> Monday or 2<sup>nd</sup> Wednesday could be options.*

**Vice President** – Sheppard Kaufman – *There is a link is on NC website for voting locations: LAVOTE.NET*

*Metro meeting on Feb 27<sup>th</sup> from 4-7pm for Next Gen Bus Services*

*There have been complaints of RV parking on Oxnard. The Council office is working to clean it up and add parking restrictions.*

*Each NC Committee needs to send their attendance records to Sheppard for the Officer Meeting on Feb 13<sup>th</sup>.*

**Treasurer** – Paul Lawler - *None*

**Secretary** – Komalpreet Kaur-Batth – *Absent*

**Parliamentarian** – Don Patterson - *Absent*

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## **2. Items for Board discussion and possible action:**

### **Item No. (1) Treasurer - Paul Lawler**

#### **(20-006) Monthly Expense Report (MER) – December 2019**

Motion to approve the WHWCNC Budget/Fiscal Year 2019-2020 Monthly Expense Reconciliation [MER] for December 2019. **A large portion of these funds have been Board approved and allocated but not invoiced at this date.**

See support document December MER

#### **Roll Call Vote**

Motion: Paul Lawler, Second: Aaron Quantz

PASS Total: 19 Yes: 19 No: 0 Abstain: 0 Ineligible: 0

- YES: 19 Aaron Quantz, Karen DiBiase, Tamara Johnson, Paul Lawler, Sean McCarthy, Ray Cole, Nancy McLean, Alex Farassati, Bill Anderson, Martin Lipkin, Dena Weiss, Peter Fletcher, Gilbert Yablon, Heath Kline, Lauren Coffman, Ginny Sand, Joyce Fletcher, Houtan Hormozian, Sheppard Kaufman
- NO: 0 ABSTAIN: 0 INELIGIBLE: 0

### **Item No. (3) President, Joyce Fletcher**

#### **(20-008) Secretary of the Board – Article VI Officers**

Motion for the Board to remove Komalpreet Kaur-Batth as Secretary of the Woodland Hills-Warner Center Neighborhood Council.

The Secretary has failed to provide to the WHWCNC Board the following Minutes:

Corrected minutes: Board Meeting, October 16, 2019

Corrected minutes: Board Meeting, November 13, 2019

Minutes: Board Meeting, December 11, 2019 – Secretary was present, but has not provided minutes.

Minutes: Officers Meeting, December 19, 2019 – Secretary was present, but has not provided minutes

Minutes: Board Meeting, January 8, 2020 – Secretary was not present. Did not notify the President or Assistant Secretary that she would be absent.

Minutes: Board Retreat, February 1, 2020 – Secretary was not present. Did not notify the President or Assistant Secretary that she would be absent.

Due to non-compliance of the Woodland Hills Warner Center NC Bylaws - **Article VI Officers Section 2, D** (see text below), it is being requested for the current board member, Komalpreet Kaur Batth, holding the position of Secretary to vacate that officer post.

**Article VI Officers - Section 2: Duties and Powers - D. Secretary.** The Secretary shall keep the minutes of the Neighborhood Council; see that all notices are given in accordance with the provisions of these Bylaws; be custodian of the Neighborhood Council's non-financial records; and perform all other duties as requested by the President and/or the Board. The Secretary shall keep the Bylaws and Standing Rules up to date and shall keep an official list of all Representatives, Alternates, and Committee Members and their terms, and keep a register of the addresses (including electronic address, if applicable) and telephone numbers of each Representative and Alternate. The Board shall appoint an Assistant Secretary who shall assist the Secretary with all duties and act in his or her absence."

This does not mean that Komalpreet Kaur Batth is being removed from the Board, however, it is a request to vacate the Executive Officer position of Secretary due to non-compliance of duties. Ms. Batth is able to provide a resignation from the position of Secretary via email written notice to the President, instead of going through the removal of officers process. Resignations becomes effective immediately upon confirmed receipt and acceptance by the President. The procedures for removal of an officer are outlined in the Woodland Hills Warner Center Bylaws **Article VI Officers, Section 5 Removal of Officers:**

**Article VI Officers - Section 5 - Removal of Officers:** Any Board Member who desires to remove an officer shall present it to the Board and it shall be placed on the agenda at two consecutive regular Board meetings. Removal shall take place only upon two consecutive full council meetings, both which have two-thirds votes (voting must be by roll call) supporting removal before the Officer is removed. The individual subject to removal shall be permitted to vote.

The non-compliance of recording and producing minutes in a timely manner affects the Board's operations, administrative duties, and required compliance with the Department and the Board of Neighborhood Commissioner policies such as the [Minutes Posting Policy Number: 2016-01 \(1\)](#).

Komalpreet Kaur Batth has been notified of this process two times, by the above email sent to Ms. Batth, by the President of the Board dated January 21, 2020 and January 27, 2020 and cc'd Sheppard Kaufman, Don Patterson, Paul Lawler and Karen Hernandez, Empower LA.

At the posting of this agenda the President has not received a response from the Secretary.

*Joyce Fletcher: Per Empower LA, required to make a motion to postpone Item#3 due to "Special" meeting vs two "Regular" meetings requirement.*

*New Motion: To postpone Item #3 to next "regularly" scheduled WHWCNC Board meeting*

*Motion: Joyce Fletcher, Second: Heath Kline*

*PASS Total: 19 Yes: 18 No: 1 Abstain: 0 Ineligible: 0*

*NOTE: Roll Call Vote not required*

**Item No. (4) Community Services Committee – Joyce Fletcher, Chair - Dena Weiss, Committee Member (20-009) Board Resolution related to irrigation on Mulholland Drive**

TO: Department of Water and Power, 1394 S. Sepulveda, Los Angeles CA 90025  
Martin L. Adams, General Manager and Chief Engineer  
Bureau of Street Services, 1149 South Broadway, 4<sup>th</sup> floor, Los Angeles, CA 90015  
Adel Hagekhali, P.E., Executive Director and General Manager  
Los Angeles Fire Department, Valley Bureau Headquarters, 4960 Balboa Blvd., Encino, CA 91316

Deputy Chief Trevor Richmond  
Councilmember Bob Blumenfield, CD3, 19040 Vanowen St. Reseda, CA 91335

**RE: WHWCNC BOARD RESOLUTION RE: MULHOLLAND DRIVE CONCERNS**

This letter is a result of a Board resolution from the WHWCNC regarding the lack of active irrigation on Mulholland Drive between the 101 Freeway and Mulholland Highway in Woodland Hills.

We request that the sprinklers be activated and that the pipes be renovated, to allow irrigation in this arid and dried up wasteland which is the entrance to our beautiful Woodland Hills.

The basis for this request is as follows:

The DWP website boasts its impressive history and beginnings: "There is no doubting the importance of water in Los Angeles, a semi-arid desert with very little water ...." It then goes on to describe the wonderful initial leadership under William Mulholland, its first superintendent and its chief engineer. Just as William Mulholland was a man of vision, the neighbors who live on Mulholland Drive are too.

William Mulholland would be groaning from the grave upon the state of his namesake, "Mulholland Drive" between the 101 Freeway and Mulholland Highway.

It is disgraceful on many levels. I will list the headliners:

There is water available. There are meters. There are pipes. There are side roads with meters. Yet not a drop of water is flowing;

There are dead trees. There are dying trees. There is straggly dead grass and weeds. This is because the water has not been turned on. What a testament to Mr. Mulholland's desire for irrigation. A dried up desert road is apparently what the DWP thinks should honor him;

This expanse of dried vegetation is a safety hazard on many levels.

First, it is a fire hazard. The expanse of dead trees and brush is a tinderbox waiting to happen;

Second, it is a harbor for animals who nest there and can spread disease; and

Finally, it is a wind hazard. The dead branches can be cracked in high winds and fall on anyone and anything. The dead branches can break off and impair power lines. The dead branches that often lay in traffic lanes can cause car wrecks and bodily harm. We all know what disasters can cause; and

Aesthetically this is the entrance to Woodland Hills. It is more like Woodland "ills" with the stretch of dead trees and branches and weeds called Mulholland Drive.

Please be put on notice of the above-mentioned safety and aesthetic concerns. Our community pays money to your department to do its job. Why is it not being done in this area?

By way of this (unanimous) Board Resolution, we request you respond within 30 days to the above listed address.

Very truly yours

Woodland Hills-Warner Center Neighborhood Council

*Motion: Dena Weiss, Second: Martin Lipkin*

*PASS Total: 19 Yes: 19 No: 0 Abstain: 0 Ineligible: 0*

*NOTE: Joyce to add the exact address of the Mulholland Drive median to the letter*

**Item No. (5) Community Outreach Committee – Peter Fletcher, Chair**  
**(20-010) Funding for NC Booth at the One Generation Senior Symposium**

Motion for the board to approve funding up to \$500.00 to purchase a WHWCNC outreach booth at the One Generation Senior Symposium to be held at the One Generation Senior Center. ONEgeneration's 12<sup>th</sup> Annual Senior Symposium & Senior Job/Volunteer Fair will be held Saturday May 16, 2020 from 9:00 AM - 2:00 PM at the ONEgeneration Senior Enrichment Center located at 18255 Victory Blvd., Reseda, CA 91335.

These funds are currently allocated in the WHWCNC Budget.

**Roll Call Vote\_** *Motion: Peter Fletcher, Second: Aaron Quantz*

*PASS Total: 19 Yes: 19 No: 0 Abstain: 0 Ineligible: 0*

- YES: 19 - Aaron Quantz, Karen DiBiase, Tamara Johnson, Paul Lawler, Sean McCarthy, Ray Cole, Nancy McLean, Alex Farassati, Bill Anderson, Martin Lipkin, Dena Weiss, Peter Fletcher, Gilbert Yablon, Heath Kline, Lauren Coffman, Ginny Sand, Joyce Fletcher, Houtan Hormozian, Sheppard Kaufman*
- NO: 0*
- ABSTAIN: 0*
- INELIGIBLE: 0*

**Item No. (6) Community Outreach Committee– Peter Fletcher, Chair**  
**(20-011) Funding for a NC Booth at the Valley Cultural Foundation Concerts on the Green**

Motion for the board to approve funding up to \$3000.00 to purchase a WHWCNC Booth, for 13 Sundays, at the Valley Cultural Foundation, Concerts on the Green held in Warner Park in Woodland Hills CA. The Valley Cultural Foundation's free *Concerts in the Park* was launched in 1975. Today, the concerts are known as *Concerts on the Green* and are still presented free of charge and enjoyed by more 140,000 Valley residents each year.

These funds are currently allocated in the WHWCNC Budget.

See support documents

**Roll Call Vote** *Motion: Peter Fletcher, Second: Aaron Quantz*

*PASS Total: 19 Yes: 18 No: 0 Abstain: 1 Ineligible: 0*

- YES: 18 Aaron Quantz, Karen DiBiase, Tamara Johnson, Paul Lawler, Sean McCarthy, Ray Cole, Nancy McLean, Alex Farassati, Bill Anderson, Dena Weiss, Peter Fletcher, Gilbert Yablon, Heath Kline, Lauren Coffman, Ginny Sand, Joyce Fletcher, Houtan Hormozian, Sheppard Kaufman*
- NO: 0*
- ABSTAIN: 1 Martin Lipkin*
- INELIGIBLE: 0*

**Item No. (7) Homelessness Committee, Ray Cole, Chair**  
**(20-012) New Friends Homeless Center <http://www.newfriendshomelesscenter.org/>**  
**Funding Request - Neighborhood Purpose Grant**

Motion for the board to approve an NPG for up to \$800.00, from budget line item General NPG Funds, for the New Friends Homeless Center for support of their Community Dinners.

Over 500 hot meals are served on Tuesday & Friday nights, and Sunday afternoons. The guests include homeless veterans, senior citizens, those who are disabled, those with special needs, low income guests and often their pets. Birthdays are celebrated each month so the guests know that their lives do matter regardless of their situation. After dinner there is distribution of hygiene kits, pet food, clothes, blankets, tents and other needs as the guests leave for the night to head back to the streets. New Friends Homelessness Center provides the following weekly services:

- Preparing over 500 meals per week and distributing extra food packs
- Offering free clothing, hygiene kits, pet food, blankets, tents and sleeping bags
- Over 75 New Friends volunteers provide food service, entertainment and counseling

See support documents

**Roll Call Vote***Motion: Ray Cole, Second: Aaron Quantz*

PASS Total: 19 Yes: 19 No: 0 Abstain: 0 Ineligible: 0

- YES: 19 Aaron Quantz, Karen DiBiase, Tamara Johnson, Paul Lawler, Sean McCarthy, Ray Cole, Nancy McLean, Alex Farassati, Bill Anderson, Martin Lipkin, Dena Weiss, Peter Fletcher, Gilbert Yablon, Heath Kline, Lauren Coffman, Ginny Sand, Joyce Fletcher, Houtan Hormozian, Sheppard Kaufman NO: 0 ABSTAIN: 0 INELIGIBLE: 0

**Item No. (8) Community Services Committee****(20-013) Funding for WHWCNC participation in the Memorial Day Parade.**

Motion for the Board to approve up to \$800.00 from the Community Services Committee Budget for truck rental, decorations, outreach materials, banners and participation in the Canoga Park Chamber Memorial Day Parade. This year's theme of the Parade "Saluting the Price of Freedom". The parade is an effort of many organizations in our area and surrounding communities. The Community Outreach Committee currently has \$1,500 in its budget.

**Roll Call Vote***Motion: Joyce Fletcher, Second: Ray Cole*

PASS Total: 19 Yes: 19 No: 0 Abstain: 0 Ineligible: 0

- YES: 19 - Aaron Quantz, Karen DiBiase, Tamara Johnson, Paul Lawler, Sean McCarthy, Ray Cole, Nancy McLean, Alex Farassati, Bill Anderson, Martin Lipkin, Dena Weiss, Peter Fletcher, Gilbert Yablon, Heath Kline, Lauren Coffman, Ginny Sand, Joyce Fletcher, Houtan Hormozian, Sheppard Kaufman NO: 0 ABSTAIN: 0 INELIGIBLE: 0

**Item No. (9) WHIP Committee, Heath Kline, Chair****(20-014) Resolution requesting City action to provide a system for insuring implementation of conditions for development projects**

A motion requesting City action to provide a system for insuring that all development project Conditions of Approval that are accepted by the applicant from the Neighborhood Council and City established review boards, during the Neighborhood Council design review and Planning Department process are in fact implemented by the applicant after approval by the City.

WHEREAS, there are many development projects upon which the Department of City Planning places conditions related to an issuance of an entitlement; and,

WHEREAS, there are Specific Plans within neighborhoods for which conditions are placed on a project in order to ensure Specific Plan compliance; and,

WHEREAS, communities suffer when property owners are allowed to not comply with Specific Plan guidelines and requirements which are intended to protect and benefit the community; and,

WHEREAS, in Hillside Areas, proper construction plus proper landscape implementation and maintenance is important to preventing erosion and preserving public safety; and,

WHEREAS, members of the community complain and report that there are instances, where conditions placed on a project are not fully implemented, such as landscaping requirements and the installation of additional finish materials required to hide and enhance large retaining walls which are visible to the neighbors and community; and,

WHEREAS, lack of construction observation to ensure proper methods of construction, such as over excavation during grading under the drip lines of mature oak trees, has resulted in the death of protected oak trees that, thereafter, are not required to be replaced; and,

WHEREAS, there are properties throughout the City of Los Angeles with abandoned or incomplete construction projects, which are unsafe and are left to decay over time; and,

WHEREAS, hillside areas, which are susceptible to erosion, drainage issues and landslides, further put the safety of the public at risk when incomplete construction projects in these areas are abandoned; and,

WHEREAS, abandoned construction sites foster unwanted blight in neighborhoods; and

WHEREAS, members of Neighborhood Council Land Use Committees suspect that projects are not permitted and completed as per the plans and elevations that were presented to their committee and subsequently supported; and,

WHEREAS, the Letters of Approval issued by the City of Los Angeles Planning Department should include all the approved plans and elevations of the project as part of the legal document, such as is provided by other cities in their Letters of Planning Approval; and

WHEREAS, conditions and design changes that take place during community Land Use Committee reviews, which are agreed to by the applicant; represent desired enhancements to the project that better serve the neighboring community; and,

WHEREAS, applicant acknowledgements, which demonstrate their collaboration with the community toward a project better serving the community (such as onsite parking ingress and egress controls, additional patios and patio enhancements, building color upgrades beyond bland corporate design palettes, landscape modifications), are not acknowledged by the Planning Department within its Letters Of Approval, thereby grossly undermining the valuable time spent by Neighborhood Council Land use committees; and

WHEREAS, one or more members of the Mulholland Scenic Parkway Design Review Board stated their concerns on multiple occasions that there is no enforcement that projects be completed per their conditions of approval and that the lack of enforcement diminishes their function; and,

WHEREAS, the State of California and City of Los Angeles have determined that there are species of trees that must be protected and that development projects must replace protected trees on a 2 to 1 basis; and,

WHEREAS, there is no inspection of projects after completion and occupancy to determine that protected trees survived or those that did not, were replaced as required; and,

WHEREAS, while landscaping and tree replacement may be required, there is no enforcement that landscaping and trees are maintained to a point that they can sustain themselves; and,

WHEREAS, City Planning is depending on building inspectors to implement their conditions of approval; and,

WHEREAS, in some instances, inspectors have not enforced elements of Specific Plans; and,

WHEREAS, the Department of City Planning and the Department of Building and Safety assert that they don't have the staff or means to adequately enforce all Conditions of Approval; and,

WHEREAS, the integrity of the Planning Process is diminished without enforcement; and,

WHEREAS the hours of work and deliberation by volunteer Design Review Boards, Specific Plan Review Boards and Neighborhood Council Land Use Committees are wasted without enforcement;

THEREFORE, it is resolved, for the reasons stated above, that the Board of the Woodland Hills – Warner Center Neighborhood Council advise and request that Councilman Bob Blumenfield of Council District 3 along with the entire Los Angeles City Council take action to rectify the lack of enforcement, preserve the integrity of the planning process, and restore confidence to the residents of Woodland Hills and the City of Los Angeles community by considering the following:

1. The City Planning Department shall include with their Letters of Approval the complete set of design plans that they approve so that Design Review Boards and Neighborhood Council PLUM committees will know if their conditions have been included and the community can appeal, if necessary, when such conditions that are important to the neighborhood have not been addressed by the Planning Department.
2. The project architect or engineer must visit the site and document with photographs for submittal to the City Planning department that the project has been built as per the approved Planning drawings, before final signoff of permits by Building and Safety. Appropriate penalties for perjury must be imposed on all parties responsible for noncompliance.
3. The landscape architect must visit the site and document with photographs for submittal to the City Planning department, that the landscape and irrigation have been installed as per approved Planning drawings, before final permit signoff. Appropriate penalties for perjury must be imposed on all parties responsible for non-compliance.
4. Before issuance of demolition, excavation or building permits, a construction completion bond must be supplied to the City, for project construction costs in excess of \$500,000 in order to ensure that a project is completed within an appropriate time frame and that upon completion it complies with all conditions issued by City planning.
5. Any failed projects that performed excavation and/or partial construction must restore the site to a safe and visually presentable condition, as documented by the project architect or engineer and presented to Building and Safety, or the project will be completed as approved, using the project construction completion bond funds. The bond amount must be satisfactory to include inevitable increases of construction costs due to delays in construction.
6. Establish all necessary administrative processes necessary to implement the above actions.

Furthermore, the Woodland Hills – Warner Center Neighborhood Council Board respectfully submits and requests from Council member Bob Blumenfield of Council District 3, a written acknowledgement of receipt and a written response to this Motion as to his intents regarding the requested actions.

*Motion: Heath Kline, Second: Martin Lipkin*

*PASS Total: 19 Yes: 19 No: 0 Abstain: 0 Ineligible: 0*

**Item No. (10) WHIP Committee, Heath Kline, Chair**

**(20-015) Pertaining to the City of Los Angeles advocating for certain amendments to the California Labor Code.**

Discussion and possible action:



**Motion from Woodland Hills Impacts and Policies (WHIP) Committee regarding the WHWCNC Board sending a letter to Council Member Blumenfield pertaining to the City of Los Angeles advocating for certain amendments to the California Labor Code.**

WHEREAS, we believe that the California Labor Code regarding the posting of salary range for online job posting should be enforced; and,

WHEREAS, a Warner Center stakeholder has brought attention to the Woodland Hills Impact and Policies Committee (WHIP) of a lack of enforcement regarding online job postings; and,

WHEREAS, as the following letter associated with the motion provides examples of non-compliance with the California Labor Code; and,

WHEREAS, employees of businesses in Los Angeles, including Woodland Hills, and other regional cities are harmed by the lack of enforcement mechanisms and penalties for employers not in full compliance with posting job opportunities, particularly online;

THEREFORE, in order to close non-compliance loopholes, strengthen enforcement measures, introduce penalties for employers who are non-compliant, and level the inequity of the Employer-Applicant relationship, the WHIP Committee recommends that the Board of the Woodland Hills – Warner Center Neighborhood Council send the following letter associated with this motion addressed to Councilman Blumenfield requesting that the City Council 2020 Legislative Plan support proposed amendments to the California Labor Code Sec 432.3 and convey our letter immediately to our state legislative representatives, legislative committee(s), Governor and Department of Labor on our behalf before the time limit expires for public comment in the current session.

—————**D R A F T**—————

February 10, 2020

TO: Councilmember Bob Blumenfield, Council District 3  
200 N. Spring St., Room 415, Los Angeles, CA 90012

**RE: Adding “Required Salary Range Disclosures for All Jobs Posted Online” to the Los Angeles City Council 2020 Legislative Plan**

Dear Councilmember Blumenfield:

The Woodland Hills – Warner Center Neighborhood Council would like to request that the Los Angeles City Council add support of “Required Salary Range Disclosure for All Jobs Posted Online” to their 2020 Legislative Plan.

Specifically, we ask the City Council to support the West Hills Neighborhood Council's proposal to amend the California Labor Code, Section 432.3, requiring Employers, who post jobs online, to disclose the Salary Range for the position, along with instituting penalties for employer non-compliance and closing all loopholes that allow Employers to circumvent these laws using third-party on-line job boards.

In 2017, the California Assembly passed AB 168, which amended the California Labor Code to prohibit employers from seeking salary history information and require employers to provide the pay scale for a position to an applicant applying for employment upon request. This was an important step in effectively helping employment applicants avoid bidding against themselves during a job search.

Unfortunately for Californians, Angelinos, and Woodland Hills residents, there are currently no enforcement mechanisms in place to ensure these provisions are being met, there are no penalties for companies who fail to meet these provisions, there is no specific language in the amended Labor Code that explicitly prohibits employers from circumventing these salary disclosure prohibitions by using third-party on-line job boards to solicit this information, and there is absolutely no means for obtaining redress for the applicants victimized by employers' failures to comply.

When contacted about these infractions, employees at the Labor Standards Enforcement Office were unaware of either of the provisions in AB 168 mentioned above nor were they similarly aware of any potential actions that could be taken against the employers if they were notified of non-compliance. If those responsible for enforcing labor laws are ignorant of the laws themselves, or aware of any mechanisms to require compliance, what recourse does a harmed applicant have to pursue?

Companies frequently break the law by responding to salary range requests, which they are obligated to provide once an inquiry has been made, by instead asking "What are you looking for?" (See Appendix A). Worse, many companies use third-party, job-board websites (e.g., ZipRecruiter or Indeed) for job postings, and use these employment agents to directly ask for prior salary disclosure (see Appendix B). Such questions are not vetted by these companies' legal departments unless an applicant visiting the site complains directly to their Legal Affairs Offices.

Searching for new employment, or "job-hopping" as it is sometimes called, is more frequent now than ever[1]. Due to stagnated wages, employees who change jobs earn more than those who stay with the same Employer[2] [3], and those who stay in companies for longer than two years on average may earn 50% less over their lifetimes[4].

Applicants for new employment must weigh a variety of factors when considering making a switch, including: the impact of possibly longer commute times, health care benefits offered, parental leave policies, and, most importantly, the salary range for the new position.

Unfortunately, it has become increasingly rare for any position posted to actually list the Salary Range for the position offered.

This lack of transparency by employers can cause applicants to waste valuable PTO (paid-time-off) or Sick Time interviewing for positions that they might never have considered had they known the salary range offered.

In their initial opposition to AB 168, the California Chamber of Commerce accidentally admitted that a lack of transparency between employers and applicants is an inefficiency in the job transition market that should be remedied:

"... salary data can be used as a reference regarding whether the employee's expectations of compensation far exceed what the employer can realistically offer. Requiring both the applicant and employer to waste time on the interview process which, for highly compensated employees, could be lengthy, to ultimately learn at the end of the process that the employee would never consider taking the compensation offered is unnecessary." [5]

Here, we partially agree with the Chamber; employers should avoid this unnecessary market inefficiency by being required to post the salary range for *all* job openings, not just highly compensated positions.

It should be noted that:

1. For the concept of a *free market* to exist, in this case services provided in exchange for fair market compensation for those services, *perfect competition must also exist*. One of the conditions on which *perfect competition relies is the concept of perfect information* – all consumers (employees) and producers (employers) know all prices (wages) of products and utilities (services provided) they get from owning each product. When this condition is absent, as is the case when employers disclose the services they want provided, but not the wages at which they are willing to compensate those services, **employers are, in fact, causing a market failure in the job-opening / job-applicant marketplace.**
2. Requiring *salary range disclosure* would also help to eliminate the gender wage gap. If all applicants are able to see the salary range for jobs posted online, it becomes much more difficult for employers to pay disparate wages to women and men.
3. California is one of six states that have enacted laws regarding salary histories. However, states like Connecticut and Delaware have also included specific penalties for breach of these statutes where California has not. In fact, Delaware, a state best known for the business-oriented legislation that makes it the favored jurisdiction for organization of business entities, levies fines[6] between \$1,000 - \$5,000 for the first offense, and \$5,000 - \$10,000 for any subsequent offense thereafter.
4. A law was passed that gave employers a chance to act in good faith about salary disclosures and correct their market failure. *They have squandered that opportunity*. As it stands, with no practical enforcement and no consequential

penalties for non-compliance with AB 168's provisions, the laws are effectively toothless, and applicants are still being harmed with no path for redress.

Therefore, in order to close non-compliance loopholes, strengthen enforcement measures, introduce penalties for Employers who are non-compliant, and level the inequity of the Employer-Applicant relationship, we propose the following amendments to California Labor Code Section 432.3:

**Section 1.** Section 432.3 of the Labor Code is ***amended*** to read:

**432.3.**

(a) An employer shall not rely on the salary history information of an applicant for employment as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant.

(b) An employer shall not, orally or in writing, personally or through an agent, seek salary history information, including compensation and benefits, about an applicant for employment.

***(c) Third-party job hosting websites\* shall not, orally or in writing, seek information about prior salaries, benefits or other forms of compensation from applicants for employment.***

***\*(e.g., this would need to be defined to include sites like ZipRecruiter, GlassDoor, LinkedIn, Indeed, et al. that have ignored subsection (b))***

~~(d) An employer, upon reasonable request, shall provide the pay scale for a position to an applicant applying for employment.~~

***(d) An employer must post the salary ranges for all jobs posted online.***

***(e) Jobs posted online include:***

***i. Any job posting by an Employer on that Employer's internal Job Board.***

***ii. Any job posting by an Employer on that Employer's external Job Board.***

***iii. Any job posting by an Employer through a third-party hosting site or Job Board (Indeed, LinkedIn, GlassDoor, ZipRecruiter, et al.)***

***iv. Any job posting by a Temporary Hire (i.e. "Temp") agency on behalf of another Employer.***

***v. Any job posting by a Staffing agency on behalf of another Employer.***

***vi. Any job posting by a Recruitment agency on behalf of another Employer.***

***vii. Any job posting by any other employment agency on behalf of another Employer.***

***(f) The salary range posted shall be listed by Hourly or Annual Salary.***

***(g) The salary range listed shall be based solely and entirely on the wages paid for the position and should not include:***

***i. 401k contributions or any other type of retirement savings account.***

***ii. Health plan premiums covered by the Company.***

***iii. Any other Health plan benefits (HSA, HRP, HIS, FSA, etc.) contributions made by the Company.***

***(h) The salary range for job postings must be based on the salary or salary ranges of existing employees of the Company with the same or similar job titles for the current fiscal year.***

***(i) The upper limit of the posted salary range shall not be larger than 30% greater than the lower limit of the posted salary range (i.e. \$50,000 - \$65,000).***

***(j) Any party that is found in violation of subsections (a), (b), (c), (d), (e), (f), (g), (h), (i) of this section by a court of competent jurisdiction shall be liable for \$2,500.00 for each violation. An action for such violations may be maintained by any one or more employees or applicants. Any subsequent violation thereafter would be subject to double damages. Any further violations thereafter would be subject to treble damages, and such legal and any additional equitable relief as the court deems just and proper. In addition, an employer who violates the above-mentioned subsections of this section may be found liable for compensatory damages, attorney's fees and costs, and punitive damages.***

***(k) No action shall be brought for any violation of subsection (a), (b), (c), (d), (e), (f), (g), (h), (i) of this section except within two years after such violation.***

***(l) Section 433 does not apply to this section.***

***(m) This section shall not apply to salary history information disclosable to the public pursuant to federal or state law, including the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) or the federal Freedom of Information Act (Section 552 of Title 5 of the United States Code).***

***(n) This section applies to all employers, including state and local government employers and the Legislature.***

***(o) Nothing in this section shall prohibit an applicant from voluntarily and without prompting disclosing salary history information to a prospective employer.***

***(p) If an applicant voluntarily and without prompting discloses salary history information to a prospective employer, nothing in this section shall prohibit that employer from considering or relying on that voluntarily disclosed salary history information in determining the salary for that applicant.***

***(q) Consistent with Section 1197.5, nothing in this section shall be construed to allow prior salary, by itself, to justify any disparity in compensation.***

Please consider formally adding support of these amendments to the California Labor Code in the Los Angeles City Council 2020 Legislative Plan.

Thank you for your time and attention, we hope to hear from you soon.

Respectfully,

Woodland Hills – Warner Center Neighborhood Council Board of Directors

*Motion: Heath Kline, Second: Ginny Sand*

*PASS Total: 19 Yes: 17 No: 0 Abstain: 2 Ineligible: 0*

### **3. Committee Reports - None**

Budget Committee – Paul Lawler and Joyce Fletcher, Co-Chairs

Community Outreach Committee – Peter Fletcher, Chair

Community Services Committee – Joyce Fletcher, Chair

Education Committee – Bill Anderson, Chair

Environmental and Beautification Committee – Karen DiBiase, Chair

Governance Committee – Don Patterson, Chair

Homelessness Committee – Ray Cole, Chair

PLUM Committee – Lauren Coffman, Chair

Public Safety and Transportation Committee – Sheppard Kaufman, Chair  
WHIP Committee – Heath Kline, Chair  
Ad-hoc - Westfield Promenade 2035 Project – Joyce Fletcher  
Ad Hoc Committee – Measure A. Parks Program -Peter Fletcher  
Ad Hoc Committee – Arts Fees and Cultural Amenities - Lauren Coffman

#### **4. Area Reports - None**

At-Large – Sheppard Kaufman, Gina Thornburg  
Area 1 - Aaron Quantz, Karen DiBiase, Komalpreet Kaur Batth, Tamara Johnson  
Area 2 – Brian Drapkin, Paul Lawler, Sean McCarthy, Ray Cole  
Area 3 – Nancy McLean, Angela Dawson, John Sandy Campbell, Alex Farassati  
Area 4 – Don Patterson, Bill Anderson, Martin Lipkin, Dena Weiss  
Area 5 – Jason Green, Peter Fletcher  
Area 6 – Pat Patton, Gilbert Yablon, Heath Kline, Lauren Coffman  
Area 7 – Ginny Sand, Joyce Fletcher, Houtan Hormozian  
Youth member – Ved Kulkarni

**Announcements: The next Board meeting will be held in March, 2020. Please visit the council website calendar at [whcouncil.org](http://whcouncil.org) for the date and time of the meeting.**

Meeting dates for or the upcoming 2020-2021 year; the proposed Board meeting are usually held the second Wednesday of every month at the American Legion Hall located at 5320 Fallbrook Ave, Woodland Hills, CA 91367 at 6:30pm.  
[HOWEVER, please check the www.whcouncil.org website calendar page for any changes that may occur.](http://www.whcouncil.org)

**Adjournment of meeting: 9:03pm**

***Minutes submitted by Karen DiBiase, Asst Secretary***

\*THE AMERICAN 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 3 business days (72 hours) prior to the meeting you wish to attend by contacting Joyce Fletcher, at (818-340-6554 or email [j.fletcher@whcouncil.org](mailto:j.fletcher@whcouncil.org) or the Department of Neighborhood Empowerment at (213) 978-1551 [EmpowerLa@LACity.org](mailto:EmpowerLa@LACity.org)

\*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 our website: [www.whcouncil.org](http://www.whcouncil.org) or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Joyce Fletcher at (818) 340-6554 or email [j.fletcher@whcouncil.org](mailto:j.fletcher@whcouncil.org)

\*PUBLIC POSTING OF AGENDAS – agendas are posted for public review as follows:

- [www.whcouncil.org](http://www.whcouncil.org) – go to the website Calendar page and click on the date – Board meetings are held on the second Wednesday of each month. [Check the calendar for any change of meeting date.](#)
- You can also receive our agendas via email by subscribing to L.A. City's Early Notification System at <https://www.lacity.org/subscriptions>

\*RECONSIDERATION AND GRIEVANCE PROCESS - For information on the WHWCNC process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the WHWCNC Bylaws. The Bylaws are available at our Board meetings and our website at [www.whcouncil.org](http://www.whcouncil.org)