

INTRA-CITY MEMORANDUM OF UNDERSTANDING BETWEEN CERTIFIED NEIGHBORHOOD COUNCILS AND LOS ANGELES DEPARTMENT OF WATER AND POWER

This five-year Memorandum of Understanding (hereinafter “MOU”) is mutually agreed upon by the City of Los Angeles acting by and through the Department of Water and Power (“LADWP”) and Certified Neighborhood Councils, effective upon the date approved by the Board of Water and Power Commissioners of the City of Los Angeles.

RECITALS

Whereas Article IX of the charter of the City of Los Angeles and the implementing Regulations as currently set forth in Ordinances Nos. 174006 and 174975 provide that:

(1) Information from the City should be sent to certified Neighborhood Councils as soon as practical so that certified neighborhood councils are afforded as much opportunity as is practical to provide comment before decisions are made;

(2) Certified Neighborhood Councils may provide comment and feedback to the City Council, its committees, and to City boards and commissions by using the Early Notification System. The Neighborhood Council may communicate its views either by way of mailed letter, fax, E-mail or by a representative appearing in person to make a presentation on an item before the City’s decision-makers; and

(3) Neighborhood Councils shall monitor the delivery of City services in their respective areas and have periodic meetings with responsible City departments, subject to their reasonable availability; and

Whereas LADWP and the Neighborhood Councils mutually agree that the People of the City of Los Angeles will benefit from increased communication and cooperation between LADWP and the Neighborhood Councils;

LADWP WILL DO THE FOLLOWING:

1. LADWP Liaisons:

1.1. LADWP will designate a person(s) as the primary point of contact with each Neighborhood Council (“LADWP Liaison”). LADWP will assign a primary LADWP Liaison to each of the seven Los Angeles Planning Districts. LADWP Liaisons may be assigned to more than one Neighborhood Council and Planning District.

- 1.2. The duties of an LADWP Liaison include (1) attending and participating in board and committee meetings of Neighborhood Councils in their assigned districts regarding matters involving LADWP, (2) receiving requests for information, assistance or service from Neighborhood Councils in their district, transmitting the requests to the appropriate person(s) within LADWP, attempting to provide responses to the Neighborhood Council in a timely manner; and (3) processing requests for speakers or educational materials (as more fully described in Section 3, "EDUCATION," and Section 4, "DELIVERY OF SERVICES," below).
- 1.3. In order to assist the LADWP Liaison, Neighborhood Councils shall channel all requests for information through their LADWP liaison and the Neighborhood Councils shall make best efforts to notify the LADWP liaison of any requests made by their constituents through other means. This section shall not apply to homeowner requests for information relating to infrastructure issues, such as a short power outage or permit information.
- 1.4. Within 15 days after execution of this MOU, LADWP will provide notification of the name, telephone number, facsimile number, mailing address and e-mail address for each LADWP Liaison to the Neighborhood Councils.
- 1.5. Within 30 days after LADWP assigns a new person as an LADWP Liaison, LADWP will provide the name, telephone number, facsimile number, mailing address and e-mail address for each LADWP Liaison.

2. NOTIFICATION BY DEPARTMENT OF WATER AND POWER.

- 2.1. LADWP will provide notification as soon as practical of all matters that it deems to be significant, or any matter that the Neighborhood Council Oversight Committee, after a majority vote of the Committee, has informed LADWP in writing is significant. The majority vote of the Neighborhood Council Oversight Committee shall stay in effect unless and until a majority of the Neighborhood Councils that have entered into this MOU take official action (as defined in Section 6.1) deeming the matter not significant. Among the purposes of notification by LADWP is permitting Neighborhood Councils to have input into decisions by LADWP and to monitor the delivery of services by LADWP. A good faith effort will be made by both parties to abide by the timeframes in this MOU.

LADWP will provide notification as soon as practicable, but before the Board of Water and Power Commissioners (the "Board") adopts a major policy or program, or significant changes in an existing

major policy or program.

- 2.2. Unless otherwise specified below, LADWP will provide notification to all of the following recipients:
 - 2.2.1. The President/Chair of each Neighborhood Council, as determined by the Roster of Neighborhood Councils maintained and published by the Department of Neighborhood Empowerment (“DONE”); and
 - 2.2.2. Any Neighborhood Council member who requests to receive notification by signing up on the LADWP Neighborhood Council list server; and
 - 2.2.3. The Neighborhood Council Representative designated pursuant to Section 5.1 of this MOU.
- 2.3. LADWP shall provide notification through one or more of the following methods;
 - 2.3.1. Electronic mail;
 - 2.3.2. Posting of material on LADWP website with a link sent by electronic mail to recipients identified in Section 2.2 above.
 - 2.3.3. When LADWP provides notification by electronic mail, LADWP will use its best efforts to satisfy requests for notification by an alternate means, including U.S. mail, to persons who do not have access to e-mail or who are unable to download attachments to e-mail messages.
- 2.4. LADWP will use its best efforts to provide notification concerning the following documents not less than 90 days before they are finalized by LADWP:
 - 2.4.1. Ten-Year Capital Improvement Program. Every two or three years, the LADWP Water Services prepares a document entitled “Ten Year Capital Improvement Program.” LADWP will use its best efforts to provide Neighborhood Councils with opportunity to have input into this document before it is finalized.
 - 2.4.2. Urban Water Management Plan. LADWP will use its best efforts to provide Neighborhood Councils with notice of public workshops relating to an Urban Management Plan as soon as they are scheduled.
 - 2.4.3. LADWP Power System Integrated Resource Plan (IRP) which can be 10 to 20-year plans.

2.4.4. LADWP Power System Operations Business Plan that looks at near-term and long-term goals and objectives for replacing or upgrading aging distribution and transmission equipment and load growth improvements.

2.5. Local Issues

2.5.1. LADWP and the Neighborhood Councils recognize that many issues regarding LADWP services will be specific to individual neighborhoods. For such local issues, the Neighborhood Council Representatives will contact their LADWP Liaison.

2.5.2. The LADWP Liaison will direct the Neighborhood Council inquiry to the appropriate person or division within LADWP.

2.5.3. LADWP will use its best efforts to provide a response as soon as possible, but no later than 48 hours after the inquiry is made. In the event additional time is required to provide a response that LADWP deems necessary for a complete response, preliminary information may be provided in the initial response.

2.5.4. If LADWP is unable to provide a substantive response within 48 hours, LADWP will use its best efforts to provide the Neighborhood Council with a status report every 14 days until a substantive or more complete response can be provided.

2.5.5. If provided five (5) working days' notice, LADWP will use its best efforts to send a knowledgeable representative to attend a meeting of a Neighborhood Council, or a meeting of a committee of a Neighborhood Council, regarding service issues. If LADWP is not provided with five (5) working days' notice, LADWP will make its best efforts to accommodate requests that an LADWP representative attend a meeting.

2.5.6. LADWP may prepare an oral or written periodic report for each planning district that identifies significant new Neighborhood Council issues or concerns as soon as practical.

2.6. Planned Significant Projects within the City of Los Angeles

2.6.1. Significant Projects: LADWP will use its best efforts to provide notification of Significant Projects 90 days prior to the commencement of work to be constructed within the City of Los Angeles. For purposes of this subsection, "Significant

Projects” is defined as those projects, programs and activities that would require either an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND) in accordance with the California Environmental Quality Act (CEQA) and excludes programs, projects and activities that would qualify for either a simple negative declaration or a categorical exemption.

2.6.2. Closing of Streets: LADWP will use its best efforts to notify the affected Neighborhood Councils when LADWP applies for an excavation permit that will involve the closing or partial closing of streets for 48 hours or more.

2.7. Unplanned Major Disruption of Services Lasting Four (4) Hours Or More:

2.7.1. Where there is an unplanned major disruption of services lasting four hours or more, LADWP will use its best efforts to notify the Neighborhood Council(s) in the affected area within two working days after the event/occurrence that caused the disruption of service.

2.8. Major Customer Programs: LADWP will use its best efforts to provide reasonable notification of changes or creation of Major Customer Programs. This includes, but is not limited to significant changes to customer programs such as renewable energy programs, energy efficiency programs, water recycling programs, water conservation programs etc.

2.9. The LADWP Budget Process

2.9.1. LADWP will use its best efforts to provide Neighborhood Councils with notification relating to the development of its annual budget at the same time as LADWP provides notification to other reviewing agencies, boards or bodies, including but not limited to the Board or City Council. In addition, LADWP will use its best efforts to provide specific notification to Neighborhood Councils as follows:

2.9.2. Stage One: Fall Budget Workshop.

2.9.2.1. In November or December of each year, LADWP will hold a Neighborhood Council Budget Workshop at a time and location designed to be convenient for as many Neighborhood Council members as possible.

2.9.2.2. At the Fall Budget Workshop, LADWP will present

information to Neighborhood Councils regarding the multi-year financial plans and the prior year proposed budget versus actual expenditures. LADWP will use its best efforts to provide notification of the Fall budget Workshop 60 days before the workshop is scheduled to take place.

2.9.3. Stage Two: Spring Budget Workshop:

2.9.3.1. In March or April of each year, LADWP will host a Neighborhood Council Budget Workshop at a time and location designed to be convenient for as many Neighborhood Council members as possible.

2.9.3.2. At the Spring Budget Workshop, LADWP will provide further clarifications to any questions from the Neighborhood Councils regarding the upcoming fiscal year's budget, based upon the information provided at the Fall Budget Workshop. LADWP will use its best efforts to provide notification of the Spring Budget Workshop 30 days before the workshop is scheduled to take place. Neighborhood Councils will provide a written response to LADWP that includes, but is not limited to comments, suggestions, and/or objections for consideration in the development of the upcoming fiscal year's budget 60 days after the Fall Budget Workshop.

2.9.4. Draft Budget for Upcoming Fiscal Year. When materials for the upcoming fiscal year draft budgets are posted for review on LADWP'S website, LADWP will use its best efforts to provide notification to the Neighborhood Councils. The website will also contain the time and meeting location for the Board's Draft Budget and Financial Plans Review. It is LADWP's policy to post matters for review as soon as they are completed.

2.10. Rate Action

2.10.1. For the purposes of this section, "Rate Action" is defined to include changes in the rates, rate formulas, rate structures or rate tiers that must be approved by the City Council by ordinance and are used by LADWP in calculating the amount billed or charged to any residential or non-residential retail business customer. For example, this

section does not include new business service rates, special contract rates, wholesale electric pricing, transmission pricing, special service contracts, outdoor area lighting rates, or other special fees that are not applicable by tariff. For purposes of this section, “outdoor area lighting rates” means lighting that retail customers wish to add to their property, and does not mean street lighting. A proposed Rate Action may be either fixed amounts or a range of alternative values.

2.10.2. LADWP will use its best efforts to provide notification of any proposed Rate Action. Such notification will include the Rate Action and upon request, copies of the supporting documentation provided to the Board and the City Council for consideration:

(i) Ninety (90) days before the proposed rate action is considered for final approval by the Board of Water and Power Commissioners if the rate action is for a single year or

(ii) One hundred twenty (120) days before the proposed rate action is considered for final approval by the Board of Water and Power Commissioners if the rate action is for multiple years.

2.10.3. The Board of Water and Power Commissioners may take action on a proposed Rate Action before expiration of the notice period for the purpose of submitting the proposed Rate Action to the Office of Public Accountability for its evaluation.

2.10.4. LADWP will use its best efforts to provide seven (7) days’ notice of any meeting at which the Board is scheduled to take action on a proposed rate action.

3. EDUCATION

3.1. LADWP and the Neighborhood Councils intend for the education component of these Guidelines to be a reciprocal, shared, joint and mutual process. It is essential that the Neighborhood Councils have as full and complete an understanding as possible of how LADWP operates. The Neighborhood Councils shall offer LADWP a method for making information available to Neighborhood Council stakeholders.

3.2. LADWP may publish a monthly electronic newsletter focused on Neighborhood Council issues as they relate to LADWP. LADWP

welcomes input from Neighborhood Councils on the content and focus of the newsletter. LADWP shall also make the newsletter available on the LADWP website.

3.3. LADWP Liaisons will educate Neighborhood Councils regarding the organization and workings of LADWP.

3.3.1. This could include such matters as the responsibilities of Water Services and Power Services and information relating to existing major policies or programs.

3.3.2. LADWP may provide such education through workshops, participation in Neighborhood Council Congresses, presentations at Neighborhood Council meetings, and distribution of written materials.

3.4. LADWP will use its best efforts to accommodate requests by Neighborhood Councils for speakers at Neighborhood Council meetings and events to make presentations on areas of interest. Topics to be covered may include the following local as well as city-wide issues, including but not limited to:

- Urban Water Management Plans

 - San Fernando Basin Remediation

 - Local Water Supply Development

 - Owens Valley Dust Mitigation

 - Recycled Water Development

 - Water Conservation

- Water Quality Issues

- Pipe Replacement Program

- Water Services' Ten-Year Capital Budget

- Power Integrated Resource Management Plan

 - Coal Transition

 - Repower Local Power Plants

 - New Transmission Investments

 - Renewable Portfolio Standard

 - Energy Efficiency Programs

- Power Reliability Program

- Overhead/Underground Conversion of Power Facilities

- Water and Electric Rates

- Security Issues

- Recreational Use of LADWP Facilities

- Customer Service Improvements

- Customer Information Systems

- Environment Stewardship

- Sustainable Practices

- 3.5. Channel 35: LADWP will make use of Channel 35, including broadcasting all meetings of the Board and broadcasting informational programs.
- 3.6. LADWP Legislative Priorities. The activities of LADWP are governed by numerous federal, state and local statutes and regulations. Neighborhood Councils will be provided information relating to proposed changes to statutes and regulations that may affect LADWP upon request.
- 3.7. Educational Site Visits: LADWP may invite members of Neighborhood Councils or stakeholders to participate in site visits to LADWP facilities as LADWP deems appropriate considering safety and availability of LADWP representatives to support such site visits.

4. DELIVERY OF SERVICES

- 4.1. Pursuant to section 909 of the Los Angeles City Charter, Neighborhood Councils shall monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments, subject to their availability.
- 4.2. LADWP will hold an annual meeting with the Neighborhood councils in each of the seven Los Angeles planning areas to discuss delivery of services at a programmatic level. At these meetings, LADWP will
 - 4.2.1. Discuss planned maintenance programs, improvements in service, and improvements in infrastructure within the Planning Area.
 - 4.2.2. Provide Neighborhood Councils the opportunity to bring any matters of concern to the attention of LADWP. LADWP shall not be obligated to respond to any matter that is in litigation, potential litigation, a security issue, and/or covered by any applicable privilege including, but not limited to the attorney-client privilege.
 - 4.2.3. Review priorities for work in the communities and may suggest adjustments as permitted by budgetary and reliability constraints.
 - 4.2.4. As appropriate, consider the results of these discussions in development of LADWP's capital improvement program for future infrastructure improvements.

- 4.2.5. Discuss reliability improvement projects and share information on various incentive programs available to customers for energy efficiency, solar, green power, water conservation, and outdoor area lighting.
- 4.3. Measurement of Delivery of Services:
 - 4.3.1. LADWP will identify and provide to the Neighborhood Councils the standards it uses to measure its performance.
 - 4.3.2. LADWP will identify and provide existing, readily-available, nonproprietary reports regarding LADWP's performance.

NEIGHBORHOOD COUNCILS WILL DO THE FOLLOWING:

5. Neighborhood Council Representatives

- 5.1. Each Neighborhood Council shall designate a person as the point of contact for communications with LADWP. Each Neighborhood Council is responsible for determining how this person ("NC Representative") is designated.
- 5.2. Each Neighborhood Council will provide the name, mailing address, phone numbers(s) and e-mail address of its representative to the designated LADWP Liaison(s) that is responsible for interfacing with such Neighborhood Council. In order to assure good communication, updated contact information will be provided to the assigned LADWP Liaison(s).
- 5.3. Neighborhood Council representatives will use their best efforts to provide annual NC Board membership and contact information to the Department of Water and Power.
- 5.4. Each Neighborhood Council MOU participant will designate a single representative to serve as designee for reserving meeting rooms at LADWP facilities, and maintaining required compliance with LADWP Commuter and Reservation Office room reservation procedures.

6. NOTIFICATION BY NEIGHBORHOOD COUNCILS ON LADWP ISSUES:

- 6.1. LADWP will recognize official actions taken by Certified Neighborhood Councils. "Official Actions" are actions adopted by motion at a public meeting held in accordance with the requirements of the Brown Act.

6.2. If a Neighborhood Council, or a committee of a Neighborhood Council, intends to include on any meeting agenda any matter relating to LADWP, that Neighborhood Council shall provide 14 days notice to LADWP before the Neighborhood Council, or committee of a Neighborhood Council, takes any official action on that matter.

6.2.1. At this meeting, LADWP will request the opportunity to present LADWP's position on the matter raised by the Neighborhood Council, including giving an LADWP representative a reasonable amount of time to make a presentation.

7. NEIGHBORHOOD COUNCIL RESPONSE TO LADWP NOTIFICATIONS:

7.1. The purpose of many of the LADWP notifications described in Section 2 above is to give Neighborhood Councils the opportunity to provide input before decisions are made by LADWP. In reciprocation, the Neighborhood Councils will use their best efforts to provide this input to LADWP in a timely manner, so that LADWP may consider their input. The President of the Neighborhood Council or his/her authorized representative will give said notifications after a vote by the Neighborhood Council approving the position of the Neighborhood Council. This notification shall be forwarded by the President of the Neighborhood Council or his/her authorized representative to the General Manager for consideration.

7.2. Where LADWP has provided the Neighborhood Councils with notification pursuant to any of section of this MOU, each Neighborhood Council will make its best efforts to provide written input to LADWP within 60 days after receipt, unless otherwise provided by this MOU.

7.3. Neighborhood Councils also can monitor LADWP's provision of services on a citywide level through the Neighborhood Council's participation in the annual budget process and development of other long-term plans, discussed in section 2, above.

8. NEIGHBORHOOD COUNCILS' LADWP OVERSIGHT COMMITTEE:

8.1. Each Neighborhood Council will independently decide whether to enter into this MOU. Due to the large number of Neighborhood Councils, it will be impractical for each Neighborhood Council to separately negotiate any modifications to the MOU with LADWP, and for LADWP to separately negotiate modifications with each Neighborhood Council. For this reason, each Neighborhood

Council that enters into the MOU will be asked to separately agree to the appointment of a Neighborhood Councils' LADWP Oversight Committee.

- 8.2. The members of the Neighborhood Councils' LADWP Oversight Committee shall be selected by the NC Representatives from each of the Neighborhood Councils that enter into the MOU.
- 8.3. Although DWP respects the right of each Neighborhood Council to decide whether or not to sign this MOU, LADWP supports a single MOU. LADWP will make information available to all Neighborhood Councils on its website, regardless of whether they have signed this MOU
- 8.4. The LADWP Oversight Committee will provide LADWP annual and updated rosters of its members and Neighborhood Council MOU representatives.
- 8.5. Prior to each meeting the LADWP Oversight Committee will use its best efforts to provide LADWP with an agenda.
- 8.6. After each meeting the LADWP Oversight Committee will use its best efforts to provide minutes of the meeting, including a roster of attendees.

GENERAL PROVISIONS

9. MODIFICATION OF MOU:

- 9.1. The MOU may be modified in writing by mutual agreement by the Board of Water and Power Commissioners and participating Neighborhood Councils. Either LADWP or the LADWP Neighborhood Councils' Oversight Committee may propose amendments. Both LADWP and the LADWP Neighborhood Councils' Oversight Committee agree to meet with each other within sixty days (60) after a modification to this MOU has been requested in writing.

10. DURATION OF MOU

- 10.1. This MOU shall expire five (5) years after it is first executed by LADWP, or earlier upon the effective date of an ordinance passed by the Los Angeles City Council that establishes different or amended regulations for Neighborhood Councils which are inconsistent with the terms of this MOU.
- 10.2. This MOU can be extended in writing by mutual agreement of the parties. With the passage of time and use of this MOU, it is

anticipated that the provisions of this MOU will be modified and extended to enhance effective communication between the parties.

11. STATEMENT REGARDING BEST EFFORTS.

11.1. While this MOU contains non-binding compliance dates, both LADWP and the Neighborhood Councils pledge to make their best efforts to comply with all of the provisions of the MOU. Both parties recognize that no cause of action can arise by the failure of either party to comply with any provision of this MOU. This MOU shall not establish any rights for any third party that is not a signatory to this MOU.

12. EMERGENCY

12.1. If an emergency is declared by the General Manager, the Board of Water and Power Commissioners or the City Council, all obligations under this agreement shall be suspended until the emergency is over.

This MOU was executed in the City of Los Angeles, California by the parties and on the dates set forth below:

Date: 5-2-17

DEPARTMENT OF WATER AND POWER OF
THE CITY OF LOS ANGELES

BY

BOARD OF WATER AND POWER
COMMISSIONERS OF THE CITY OF
LOS ANGELES

By: 
DAVID H. WRIGHT
General Manager

And: 
BARBARA E. MOSCHOS
Secretary

AUTHORIZED BY RES. 017207
APR 04 2017

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

MAR 29 2017


MARK P. BROERSMA
DEPUTY CITY ATTORNEY

Date: July 20, 2017


Neighborhood Council