

From: Parisa Vinzant [mailto:parisa@vinzantgroup.com]
Sent: Tuesday, March 21, 2023 9:29 AM
To: CityClerk <CityClerk@longbeach.gov>
Subject: Public Comment - Agenda item #36 - City Council Meeting - 3/21/23

-EXTERNAL-

Dear City Clerk, I hope this note finds you well. I've enclosed below my written public comment for Agenda Item #36 for today's City Council meeting. I see that there's two aspects pertaining to this agenda item in the meeting record in legistar (23-0265 and 23-0266) and I want to be sure that my public comment is attached to both as well as circulated in any bcc communications you may send to the Mayor and City Council.

Thanks very much in advance for your assistance!

Best wishes,
Parisa Vinzant
~

Dear Mayor and Members of City Council,

Until I resigned last month, I served for five years as a Technology and Innovation Commissioner for the City. One of the two reasons for my resignation is here as Agenda Item 36, and you as a body have the opportunity to remedy the inequities and harm that I first identified and began flagging and trying to push for change starting May of last year with the City Attorney's Office, the HR Department, and the City Manager's Office. These efforts were to no avail, and I was eventually forced to escalate my concerns to the Mayor's Office and to the most impacted community groups.

I'm writing to share my **support for the proposed changes as outlined in Agenda item #36 with the understanding that there are three distinct pathways that commissioners can elect to serve through*:**

1) as a volunteer without compensation; 2) as a volunteer eligible to receive expense reimbursement payment up to \$500 within one calendar year; and 3) as a city employee (to be paid via W-4). Note: city charter commissions are considered "city officers" and per the city charter are considered city employees as a default and thus cannot decline compensation. **Can this understanding be confirmed during the discussion of this item during Tuesday's meeting to ensure everyone is on the same page with the City Attorney's interpretation and what's in print so as to avoid similar implementation disconnects as to what's necessitated this agenda item?*

Passage of this agenda item is needed because it remedies the current commissioner policy, which is inequitable and discriminatory as implemented, not as it was originally passed but as interpreted by the former City Attorney that commissioners must accept payment as W-4 part-time employee and with no exemptions allowed. The Long Beach residents most disproportionately burdened and/or negatively impacted (non-exhaustive list) by the current commissioner compensation policy are:

- **Residents who are undocumented.** Contrary to the October 2019 passed CA law SB-225 that opened local and state appointed boards to all Californians regardless of "citizenship or immigration status," the City's current commissioner compensation policy completely excludes the participation of undocumented residents by requiring W-4 employment and i-9 verification.
- **Residents who receive disability benefits.** For example, I've heard of one Long Beach resident declining offered commissionership because of the W-4 employment requirement and fear that it would affect disability benefits. Also, I've heard from a Long Beach resident who receives In-Home Supportive Services (IHSS) of the strict income caps must adhere to and the significant consequences if exceed those caps, thus this resident would be unlikely to be able to serve as a commissioner under the current policy due to concern over jeopardizing IHSS benefits.

- **Residents who are low-income, many who are older adults and disproportionately BIPOC, and who may live in HUD housing.** For example, I've heard of an older adult commissioner had to resign after just one month of service from the Senior Advisory Commission because the W-4 payment jeopardized the commissioner's HUD housing. In another example, one resident declined to serve on a commission because the W-4 employment requirement might negatively affect Medi-Cal benefits.

If this proposed policy change is not passed and these issues are not addressed, the inherent diversity and inclusiveness of our commissions, which has only grown in recent years, is likely to suffer. This in turn impacts the diversity and inclusiveness of the views as expressed in the advisory recommendations from commissions to City Council. There are tangible costs associated with these losses, which could be better assessed and quantified with a formal equity analysis (note: as of 1/13/23 communications with the City's HR director, no equity analysis had been completed on the current commissioner compensation policy). Furthermore, since commissions offer the public the most participatory channel to partake in civic life, there would be high costs in the form of loss of community's trust in its local government if this discriminatory policy is not fixed.

A potential ethical flag. I have master's in public administration, so I know there is no such thing as perfect policy, and so the sum of the benefits must be weighed against the negatives, but why have advisory commissioners lost their protections from no cause removal under the proposed policy? There is no need to remove the current protections afforded to advisory commissioners under LBMC Section 2.18.050.G, as they help ensure commissioners can freely act in accordance with their commission and ethical duties. ***This is important because it helps to preserve commissioners' independence from undue influence, pressure, and/or retaliation should the commissioners' views or actions not be in alignment with the city position.*** Though advisory commissioners' work product is specifically provided to City Council, their day-to-day work is supported and governed by rules set by the city administration. What problem is the City Attorney's Office trying to solve here that warrants such a drastic change? To simply justify the change on grounds of bringing the advisory commissions in alignment with charter commissions is insufficient, as it ignores the inherent differences in function and authority that these two types of commissions have, including that charter commissioners are deemed "city officers" and thus city employees and city advisory commissions are not. Further, the reality is that the vast majority of advisory commissioners have already been forcibly converted to city employee status, and when this proposed policy change is added, creates the appearance of at will employment—and with that, the potential corresponding real or perceived loss of independence. *What does this mean for a commissioner who may act in an independent way similarly as to how I did on FRT, which was in opposition to the known position of the City Manager, Chief of Police, and TI Director?* Under this proposed policy change, no grounds would need to be given before that commissioner *could* be removed. Please restore the original protections for advisory commissions to safeguard the independence of the City's advisory commissions.

Context: How did we get here? Rather than paying the commissioner stipend through the more appropriate mechanism of W-9 income and/or providing a waiver as many cities do, the City Attorney determined that for appointed city commissioners to be paid a stipend, commissioners must be legally paid as *statutory employees*, and thus required to be paid compensation as W-4 employees and complete an i-9 form (note: email correspondence support provided on request). No exemptions or waivers were provided to currently serving or new commissioners. Despite there being no such language in the City Council passed resolution in January 2020, if commissioners didn't accept the W-4 payment and employee status, they couldn't serve. Because technical and legal reasons were prioritized at the expense of consideration of equity factors (and no formal equity analysis was completed), city management officials created new equity and legal issues as described above in their drive to convert all

city commissioners into city employees. Additionally, since these problems were caused during the implementation phase, ***greater communication and oversight is needed by City Council*** to ensure such problems do not reoccur.

Ethical reasons for using equity lens. The City's new [Ethics Code of Conduct](#) passed in December 2022 requires application of an equity lens "to ensure all policies and procedures are developed to provide equitable and socially just programs and services for all residents and employees" (p. 6). This ethics policy advises "anticipating the effects of a decision on people in the City, especially if specific groups may be disproportionately harmed or helped" and "working to ensure that all people in the City have the ability to actively participate and engage and work to eliminate barriers to public involvement in decisions, programs, and services" (p. 6). The City's 2019 [Equity Toolkit](#) also provides this guidance. If City Council could pass this proposed policy with a unanimous vote, it would send such a powerful signal of the value this City places on equity and inclusion of *all* its diverse community members being able to fully participate in civic life through the meaningful option of service on commissions. Thank you in advance for your consideration of these remarks.

Very best wishes,

Parisa Vinzant

Equity and Inclusion Consultant & Strategist, Vinzant Group Inc.

(email: parisa@vinzantgroup.com)