

WESTWOOD NEIGHBORHOOD COUNCIL

August 14, 2013

Agenda Item #8

NEIGHBORHOOD COUNCIL PLAN REVIEW MOTIONS

Over the last half year, Neighborhood Council Plan Review committees have been carefully considering many of the laws which govern the Neighborhood Council system. A number of their recommendations have now gone before the Board of Neighborhood Commissioners.

The committees have proposed motions to amend the City's Administrative Code which touch upon numerous topics and would ultimately require City Council action. In some cases, the changes (or reaffirmation of current policy) can be effectuated at the Commission or Department level.

The nine topics that you'll see addressed in the motions presented include:

- NC subdivision/boundary adjustment policies
- Grievances and complaints policies and procedures
- Rules for governing board selections
- Election policies and procedures; term limits
- Brown Act and posting policies
- NCs and rule formulation; appointments of General Manager, Board of Neighborhood Commissioners
- Creating and maintaining information and communication network for public use
- Duties of the Board of Neighborhood Commissioners
- Exhaustive efforts process

1) Neighborhood Council subdivision/boundary adjustment policies

Motion recommends that:

“A new Neighborhood Council may be created from within the boundaries of an existing Neighborhood Council by the following process:

- a. The subdividing group shall undertake the process for Neighborhood Council formation as already described for new councils.
- b. The Department of Neighborhood Empowerment shall set an election to take up the question within 90 days of verifying all paperwork is complete.
- c. A majority of the votes cast by stakeholders of the entire original Neighborhood Council shall be required to complete the separation and create a new council.
- d. If an area leaves a Neighborhood Council, the original council should simply be required to adjust its boundaries and board structure and not recertify.
- e. If an area moves between two existing Neighborhood Councils, neither should be required to recertify.”

2) Grievances and complaints policies and procedures

Motion recommends that:

- a. “The grievance procedure and the complaint process be merged into one system; that the Department of Neighborhood Empowerment (Department) establish a single set of procedures with a regional grievance panel empowered to render a final decision on a grievance without further right of appeal, which shall be based on the grievance policy recommendations already made by the Department as reflected in its report dated November 22, 2011, and contained in Council File Number 11-1018.”

*(*see note at end of document)*

3) Rules for governing board selections

Motion recommends that:

- a. “The Department of Neighborhood Empowerment look at establishing rules and guidelines for Board selections so that they are more uniform and more open to the public.”

*(**see note at end of document)*

4) Election policies and procedures; term limits

Motion recommends that:

- a. "Reaffirm support for the authority having been returned to the Department of Neighborhood Empowerment to conduct Neighborhood Council board elections and to partner with the City Clerk for back office administrative services.
- b. All Neighborhood Councils need to participate in elections or selections at least every two year cycle.
- c. Existing Neighborhood Council boards are encouraged to partner with other Neighborhood Councils and with the Department of Neighborhood Empowerment for candidate recruitment and election outreach.
- d. The City of Los Angeles should not require Neighborhood Councils to impose term limits. It should be left to each Neighborhood Council's discretion.
- e. There shall be participatory involvement of Neighborhood Councils in reviewing election policies and procedures prior to Neighborhood Council elections."

5) Brown Act and posting policies

Motion recommends that:

- a. "Reaffirm support for the Brown Act for Neighborhood Councils and its single accessible 24 hour posting requirement, and reaffirm current board policies regarding electronic mail and website posting, with only one physical posting site as opposed to many. The email requirement shall specify that agendas be sent to "NCSupport" with the intent that the Department will post them to the city's agenda system.
- b. Neighborhood Councils that do not have a website must post in at least five (5) physical locations."

6) NCs and rule formulation; appointments of GM, Board of Neighborhood Commissioners

Motion recommends that:

- a. "Neighborhood Councils should have a greater role in the formulation of rules and regulations as promulgated by the Department and shall continue to have an advisory role in the appointment of the Department General Manager and the members of the Board of Neighborhood Commissioners."

7) Creating and maintaining information and communication network for public use

Duties of the Department in Sec 22.801(j) currently states that “[The Department shall] with the assistance of the Information Technology Agency, create and maintain an internal and external information and communication network, including a Citywide database of neighborhood organizations and similar information, that would be available for public use;”

Proposed motion to adopt the recommendations of the NC Plan Review Committees that Sec 22.801(j) of the Administrative Code be amended as follows:

“with the assistance of the Information Technology Agency, create and maintain an internal and external information and communication network that would be available for public use to:

- a. Provide organized access to all current rules, regulations, and election/selection/voting and any other procedures adopted by the Department of Neighborhood Empowerment.
- b. Provide organized access to all historic rules, regulations, and election/selection/voting and any other procedures adopted by the Department of Neighborhood Empowerment that are no longer in force.
- c. Provide organized access to all current legal opinions by the City Attorney on matters relating to the Department of Neighborhood Empowerment, Board of Neighborhood Commissioners, Department rules or regulations, and Department procedures for elections/selections/voting and any other matter.
- d. Provide organized access to all historic legal opinions by the City Attorney on matters relating to the Department of Neighborhood Empowerment, Board of Neighborhood Commissioners, department rules or regulations, and department procedures for elections/selections/voting and any other matter that are no longer in force.
- e. Provide a Citywide database of existing neighborhood organizations and similar information, sortable by areas and individual Neighborhood Councils.”

8) Duties of the Board of Neighborhood Commissioners

Motion recommends that:

- a. “The Board of Neighborhood Commissioners be given more power to enforce its policies.”

*(***see note at end of document)*

9) Exhaustive efforts process

Motion recommends that:

- a. "As part of exhaustive efforts the Department shall be able to recommend to the Board of Neighborhood Commissioners that the board of a neighborhood council be removed prior to having to recommend involuntary decertification."

*(****see note at end of document)*

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NOTES

*Note: A further elaboration of the Department's grievance policy recommendations are included in the flowchart found on page 13 of the document located at <http://empowerla.org/wp-content/uploads/2013/05/NCPlan-All-worksheet-session3.pdf>.

**Note: According to the City Charter, Neighborhood Councils can conduct either an "election or selection" of their governing boards. The majority of Neighborhood Councils conduct elections, while some conduct selections through open town hall-style meetings.

***Note: Regarding Item 9, as the policy making body for neighborhood councils the Board of Neighborhood Commissioners is asking for your thoughts and your advice on what authority they might request in order to be able to enforce the policies they adopt.

****Note: Item 10 was not brought before the Commission at its June 27th meeting, but will be introduced at a subsequent meeting. In the meantime, you are requested to also weigh in on the issue as it is one of the recommendations from the NC Plan Review Committees.

*****Note: Currently, if all exhaustive efforts have been unsuccessful in helping a Neighborhood Council that is struggling to function, the final recourse for the Department is to recommend to the Board of Neighborhood Commissioners that the Neighborhood Council be decertified. If a decertification occurs, the neighborhood will cease to have a Neighborhood Council until a new certification process has occurred, which can entail multiple months or years. This recommendation by the NC Plan Review Committees seeks to provide an alternate tool for the Department and Board short of decertifying the Neighborhood Council.