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July 9, 2009

Dear Venice Neighborhood Council Board Members:

The Department of Neighborhood Empowerment received a "Neighborhood Council Application to Change or Adjust Bylaws" dated May 21, 2009 to amend the Venice Neighborhood Council bylaws as submitted by board members Ira Koslow, Joe Murphy, and Mike Newhouse and signed by Board Member Mike Newhouse.

It appears that the bylaws amendment requested in the bylaws application the VNC submitted is inconsistent with applicable guidelines for Neighborhood Councils, such as the Los Angeles City Charter, City Ordinances, and the Plan for a Citywide System of Neighborhood Councils at this time.

The following Section outlines bylaws provisions proposed that require further Administrative Clarification by the Department in order to ascertain the board's interest in bringing them into compliance with applicable guidelines, rules and regulations:

PROPOSED AMENDMENTS PENDING ADMINISTRATIVE CLARIFICATION:

ITEM NO.1

Article III: Membership

Section A: Stakeholders

"Stakeholders" are defined as individuals who live, work, or own property within the Venice Neighborhood Council boundaries.

RECOMMENDED ACTION

The stakeholder definition contained in the Venice Neighborhood Council bylaws does not comply with the stakeholder definition contained within the Plan for a Citywide System of Neighborhood Councils, Article II, Section 1, which is, as follows: "Neighborhood Council membership is open to all Stakeholders. 'Stakeholders' shall be defined as those who love, work, or own property in the neighborhood and also to those who declare a stake in the neighborhood and affirm the factual basis for it." In 2008, the Los Angeles City Council, adopting the recommendation of the Neighborhood Council Review Commission, voted to approve this definition. Please clarify in writing whether

your board intends to comply with Article II, Section 1 of the Plan and submit a bylaws amendment to the Department that incorporates this definition into the bylaws by September 1, 2009.

ITEM NO.2

**Article III: Membership
Section B: Voting Members**

Any Stakeholder who chooses to register may become a "Voting Member." Voter registration shall be conducted in accordance with Article VI, as interpreted by the Rules and Election Committee. Proof of Stakeholder status shall be required for voting rights to be effected.

RECOMMENDED ACTION:

The reference in Article III, Section B to Article VI is no longer applicable, as Article VI does not comply with the City Clerk's regulations for Neighborhood Council elections. (See Section 6, Board Terms of the Neighborhood Council (NC) Election Procedures Stipulation Language Worksheet, which provides the correct dates of the election). Please clarify in writing whether your board intends to update Article III, Section B to bring it into compliance with City Clerk regulations and submit a bylaws amendment with the amended language to the Department by September 1, 2009.

ITEM NO.3

**Article IV: Board of Directors
Section E: Term**

Term: Each term of office shall be two years (excepting those initial terms described below). Terms shall begin 30 days after the challenge period to the election expires or after the Final Decision Maker issues findings and shall end with the commencement of the terms of their successors. See Article VI (Elections) for further details.

RECOMMENDED ACTION:

The language of Section E is outdated. Please clarify in writing whether your board intends to update Article IV, Section E of your bylaws in order to bring it into compliance with Section 6, Option A, of the Neighborhood Council (NC) Election Procedures Stipulation Language Worksheet. The applicable portion of Section 6, Option A, reads as follows: "Beginning with the City Clerk conducted election held between March and June of 2010, a board member's term shall be for the duration of two years or until a successor is elected or appointed." Please submit a bylaws amendment with the amended language that is compliant with these regulations to the Department by September 1, 2009.

ITEM NO. 4

**Article VI: Elections
Section A, Timing**

Beginning with the September 2007 election and except as stated below in paragraph H (Transitional Provision), Elections for the Board of Officers shall be held every two (2) years at the September Election Meeting or within ninety (90) days thereafter. The only order of business at this Election Meeting shall be the election of the Board of Officers. The Election shall elect all twenty-one (21) Officers. Additional Election Meetings may be held during a Stakeholder or Board of Officers meeting as specified elsewhere in these bylaws.

RECOMMENDED ACTION:

Article VI A contains information that is not compliant with the dates for Neighborhood Council elections that were established by the City Clerk. Please clarify in writing whether your board intends to comply with City Clerk rules and regulations by deleting this subsection of Article VI and submitting a bylaws amendment to the Department that incorporates the correct information on election timelines by September 1, 2009. We recommend that the remainder of the information in Article VI and in Article XIII be combined into one Article titled "Election of Board of Officers" for reasons of bylaws coherency and transparency for your stakeholders. Further, the Department recommends that the board indicate in its bylaws that the term "elections" refers to the election of board members. The board should employ different terminology to refer to initiatives or advisory processes board stakeholders may engage in.

ITEM NO. 5

Article VI: Elections

Section B: Term Limits

No person may serve more than eight (8) consecutive years in any office of the Board of Officers, in accordance with the DONE plan.

RECOMMENDED ACTION

The restriction of board member terms to eight consecutive years was removed from the Plan for a Citywide System of Neighborhood Councils by action of the Los Angeles City Council in 2008, which adopted the recommendations of the Neighborhood Council Review on this issue. Please clarify in writing whether your board intends to delete this subsection of Article VI and submit a bylaws amendment by to the Department from which this provision has been removed by September 1, 2009.

ITEM NO. 6

Article VI: Elections

Section E: Credentials

Credentials: A valid Credential is required at the time of registration to prove Stakeholder status before a Voting Member may cast a ballot. In addition, on the day of the Election Meeting, valid identification shall be required of any previously registered Voting Members before they may cast a ballot.

If Voting Members are unable to provide proof of stakeholder status on the day of the election, they may cast a Provisional Ballot pursuant to the election procedures.

Proof of Stakeholder status shall be accepted under the standards adopted by the Rules and Elections Committee which shall include, at a minimum, proof of identity and verifiable proof of Stakeholder status.

RECOMMENDED ACTION:

Please clarify in writing whether your board intends to delete this subsection of Article VI E and incorporate applicable information from Section 3, Option B, of the 2010 Neighborhood Council (NC) Election Procedures Stipulation Language Worksheet into the Credentials section your bylaws. Section 3, Option B of the Stipulation Language Worksheet reads as follows: "Voters will verify their Stakeholder status by providing documentation acceptable to the City Clerk—Election Division. Stakeholder status may also be established by means of declaring a stake (or interest) in the neighborhood and providing documentation acceptable to the City Clerk—Election Division supporting that declaration. Factual basis Stakeholders will also be required to provide a form of documentation to substantiate their factual basis claim."

ITEM NO.7

**Article XIII: Venice Neighborhood Council Elections
Third and Fourth Paragraphs**

Elections shall be conducted every two years in even-numbered years and shall be administered by the City Clerk beginning on April-June 2010. The rules and regulations promulgated by the City Clerk in conjunction with an election administered by the City Clerk shall take precedence over any inconsistent language in these bylaws. The term for each currently elected board member shall be extended through and until a successor is elected or appointed at the April-June City Clerk Conducted election.

Beginning with the City Clerk conducted election held on April-June 2010, a board member's term shall be for the duration of two years or until a successor is elected or appointed.

RECOMMENDED ACTION:

The information in these paragraphs differs in part from that provided in the 2010 Neighborhood Council (NC) Election Procedures Stipulation Language Worksheet.

Section 1: Administration of Elections of that document reads as follows: "The Neighborhood Council's election will be conducted by the City Clerk every two years in every even-numbered year in accordance with the rules and regulation promulgated by the City Clerk. The City Clerk will hold these elections between March and June of the even-numbered years. The rules and regulations developed by the City Clerk shall take precedence over any inconsistent language in the NC bylaws."

Section 6: Board Terms of the Stipulation Worksheet provides the following information: "All current board terms which end prior to the 2010 election shall be extended until after the certification of election results or the resolution of all official election challenges, whichever date is later. There are no term limits."

Please clarify in writing to the Department whether your board intends to incorporate this information into Article XIII to bring it into compliance with City Clerk regulations and

submit a bylaws amendment with the amended language to the Department by September 1, 2009.

**OTHER RECOMMENDED ACTION:
Bylaws Page 1, Ratification Timelines**

The Venice NC includes an amendments record on the front page of its bylaws, which indicates the date on which the VNC council approved the bylaws amendments. The information that is provided does not indicate the date that the amendments were approved by the Department.

REDOMMENDED ACTION


Please indicate in writing whether your board intends to comply with the Plan for a Citywide Neighborhood Council System, which gives the Department the authority to approve Neighborhood Council bylaws, by inserting into the Ratification Timelines page of the bylaws the dates on which the bylaws were approved by the Department and submitting the amended bylaws to the Department.

Upon receipt of the clarification of items listed above, the Department will be able to complete its review of the Neighborhood Council Application to Change or Adjust Bylaws.


It is further noted that while the Department has reviewed the requested changes, there could be additional items within the bylaws that may need to be altered at a later time to be consistent with applicable policies.

Should you have any questions, please contact your Neighborhood Council Project Coordinator, Deanna Stevenson, who may be reached via email at deanna.stevenson@lacity.org by phone at 323-789-7860, or toll-free by dialing 3-1-1.

Thank you,



Amber Meshack
Senior Project Coordinator



Deanna Stevenson
Project Coordinator

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By e-mail

cc: Leyla Campos, Principal Project Coordinator, Department of Neighborhood Empowerment