

CARMEN A. TRUTANICH
City Attorney

November 14, 2011

Mr. Bong Hwan Kim, General Manager
Department of Neighborhood Empowerment
334-B East Second Street
Los Angeles, California 90012

Re: Draft Ordinance Amending the Los Angeles Administrative Code
Regarding Neighborhood Council Elections

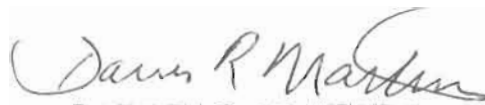
Council File No. 11-0600

Dear Mr. Kim:

Pursuant to Council Rule 38, this Office transmits a draft ordinance amending the Los Angeles Administrative Code to postpone Neighborhood Council elections for two years and authorizing the City Clerk to extend board members terms for two years.

The ordinance was transmitted on November 9, 2011, to the City Clerk for City Council and will likely be heard by City Council committee in the near future. I will keep you apprised of any scheduled hearings. In the meantime, please review the ordinance and submit your comments directly to City Council. If you have any questions, please feel free to contact me at (213) 978-8197 or by e-mail at darren.martinez@atty.lacity.org.

Sincerely,


DARREN R. MARTINEZ
Deputy City Attorney

DRM:mg

Transmittal



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 1 - 0 3 9 2

NOV 09 2011

REPORT RE:

**DRAFT ORDINANCE AMENDING THE LOS ANGELES ADMINISTRATIVE
CODE REGARDING NEIGHBORHOOD COUNCIL ELECTIONS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 11- 0600

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the attached draft ordinance, approved as to form and legality, postponing Neighborhood Council elections for two years and authorizing the City Clerk to extend board member terms for two years. The draft ordinance would amend Sections 20.36 and 22.816 of the Los Angeles Administrative Code (LAAC). In addition, the draft ordinance eliminates obsolete provisions that are no longer effective and were applicable during previously conducted City Clerk elections.

Background and Summary of Ordinance Provisions

Currently, LAAC Sections 20.36 and 22.816 provide that the City Clerk shall conduct Neighborhood Council elections during the months of April, May and June of each even-numbered year. The draft ordinance would postpone elections and grant the City Clerk the authority to extend board member terms for two years.

Also, the LAAC currently grants the City Clerk sole authority and responsibility for conducting Neighborhood Council elections. However, we note that this draft ordinance does not impact the ability of Neighborhood Councils to "select" their board members during the 2011-2012 Fiscal Year. Under the City Charter, Neighborhood Councils may either elect or select their board members. (City Charter, Art. IX, Section 901(d).) Thus, there is a distinction between "election" and "selection" systems. Typically, the difference between an election and selection is that, in an election, ballots are cast anonymously. This draft ordinance does not impact the ability of Neighborhood Councils to conduct a selection process for choosing their board members. Examples of selection procedures include: a Townhall forum where members are selected by a show of hands; a caucus process where representatives determine by open voting which board members should be chosen; or a process as simple as drawing names from a hat. Accordingly, while the draft ordinance precludes the City Clerk from conducting Neighborhood Council elections during the 2011-2012 Fiscal Year, Neighborhood Councils are not precluded from selecting their board members during this time frame under the draft ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the City Clerk and the Department of Neighborhood Empowerment requesting that they address any comments that they may have directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Darren R. Martinez at (213) 978-8197. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:DRM:mg
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 20.36 and 22.816 of the Los Angeles Administrative Code relating to Neighborhood Council elections.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 20.36, Chapter 3, Article 1 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 20.36. Neighborhood Council Elections.

The City Clerk is hereby authorized and directed:

(1) To conduct Neighborhood Council board member elections during the months of March, April, May and June of each even-numbered year pursuant to a schedule to be developed by the City Clerk in consultation with the Neighborhood Councils. Except that the City Clerk shall not conduct elections during the 2012 calendar year and the elections shall be postponed to the 2014 calendar year.

(2) To promulgate election procedures, rules and regulations and issue any directives, moratoria or rules necessary to administer the Neighborhood Council board member elections.

(3) The City Clerk is authorized to direct that the terms of any Neighborhood Council board members that are scheduled to expire during the 2012 calendar year shall be extended an additional two years or until such time as the next City Clerk conducted election for Neighborhood Council board members shall be scheduled.

Sec. 2. Chapter 28, Article 3 of the Los Angeles Administrative Code Section 22.816, is amended to read as follows:

Sec. 22.816. Elections.

(a) **Administration.** Neighborhood Council board member elections shall be administered by the Office of the City Clerk pursuant to Section 20.36 of this Code.

(b) **Election Challenges.** Election challenges shall be resolved by the regional grievance process established by the City Clerk, which process may be modified by the City Clerk from time to time.

(1) Decisions made throughout the election cycle by the City Clerk may be appealed to a panel drawn from a pool of stakeholders, which method of selection to the panel and its final composition will be

developed by the Department and the City Clerk in consultation with the Neighborhood Councils.

(2) Election challenges that are not resolved by the stakeholder panel will be resolved through the regional grievance process once that process is established

Until the establishment of the regional grievance process, the City Clerk will be responsible for resolving all Neighborhood Council election challenges and may issue any related rules and procedures, and impose any remedies to resolve an election challenge.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records. I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By *Darren R. Martinez (DSE)*
DARREN R. MARTINEZ
Deputy City Attorney

Date *Nov. 10, 2011*

File No. _____