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LOS ANGELES CITY CHARTER

Sec. 900. Purpose.

To promote more citizen participation in government and make government more responsive to local needs, a citywide system of neighborhood councils, and a Department of Neighborhood Empowerment is created. Neighborhood councils shall include representatives of the many diverse interests in communities and shall have an advisory role on issues of concern to the neighborhood.

Sec. 901. Department of Neighborhood Empowerment.

The Department of Neighborhood Empowerment shall have the duties and responsibilities set forth in this Article and elsewhere in the Charter to implement and oversee the ordinances and regulations creating the system of neighborhood councils enacted pursuant to Section 905. Duties and responsibilities shall include:

(a) prepare a plan for the creation of a system of neighborhood councils to ensure that every part of the City is within the boundary of a neighborhood council, and has an opportunity to form a neighborhood council (Plan);

(b) assist neighborhoods in preparing petitions for recognition or certification, identifying boundaries that do not divide communities, and organizing themselves, in accordance with the Plan;

(c) arrange Congress of Neighborhood meetings if requested to do so by recognized neighborhood councils;

(d) assist neighborhood councils with the election or selection of their officers;

(e) arrange training for neighborhood councils’ officers and staff;

(f) assist neighborhood councils to share resources, including offices, equipment, and other forms of support for them to communicate with constituents, other neighborhood councils and with government officials; and

(g) perform other duties as provided by ordinance.

Sec. 902. Board of Neighborhood Commissioners.

(a) There shall be a board of seven commissioners to be known as the Board of Neighborhood Commissioners (board). Commissioners shall be appointed by the Mayor, and shall be from diverse geographic areas, as further specified by ordinance. Appointment and removal of commissioners shall otherwise be in accordance with Section 502.
(b) The board shall be responsible for policy setting and policy oversight, including the approval of contracts and leases and the promulgation of rules and regulations, but shall not be responsible for day-to-day management.

(c) The board shall operate in accordance with Sections 503 through 508 and 510 of the Charter.

Sec. 903. General Manager.

(a) There shall be a general manager of the Department of Neighborhood Empowerment who shall be appointed by the Mayor, subject to confirmation by the Council, and may be removed as provided in Section 508.

(b) The general manager shall have those powers and duties set forth in Section 510.

(c) The general manager shall appoint, discharge and prescribe the duties of staff, consistent with the civil service provisions of the Charter.

Sec. 904. Development of the Neighborhood Council Plan.

The Department of Neighborhood Empowerment shall develop a Plan for a citywide system of neighborhood councils, in conformance with the following:

(a) The Department of Neighborhood Empowerment shall seek public input in the formulation of the Plan.

(b) The Plan shall contain a statement of goals, policies and objectives of the Neighborhood Council system, and shall contain specific regulations, in draft ordinance format (Regulations) which, if adopted by ordinance, would be sufficient to implement the Plan.

(c) The Regulations shall establish the method by which boundaries of neighborhood councils will be determined. The system for determining boundaries shall maintain neighborhood boundaries to the maximum extent feasible, and may consider community planning district boundaries where appropriate.

(d) The Regulations must ensure that all areas of the City are given an equal opportunity to form neighborhood councils.

(e) The Regulations shall establish the procedure and criteria for recognition or certification of neighborhood councils.

(f) The Regulations shall not restrict the method by which the members of a neighborhood council are chosen, if the process otherwise satisfies the requirements of this Article.
(g) The Regulations shall require that neighborhood councils adopt fair and open procedures for the conduct of their business.

(h) The Mayor and Council shall provide for the creation of the Department of Neighborhood Empowerment and appointment of the general manager within 120 days of the effective date of this Article.

Sec. 905. Implementation of the Plan.

The Department of Neighborhood Empowerment shall complete development of the Plan and present the Plan and all necessary Regulations for a system of neighborhood councils to the Council and Mayor within one year of the establishment of the department and commission. The Council shall consider the Regulations, and within six months after presentation of the Plan to Council may adopt ordinances to implement the Regulations as proposed, or as modified by the Council consistent with the requirements of the Plan set forth in Section 904. If implementing ordinances are not adopted within this time period, the Regulations shall become effective, and to the extent not inconsistent with law shall be binding upon all City departments and offices.

Sec. 906. Certification of Neighborhood Councils.

(a) By-laws. Each neighborhood council seeking official certification or recognition from the City shall submit an organization plan and by-laws to the Department of Neighborhood Empowerment showing, at a minimum:

(1) the method by which their officers are chosen;

(2) neighborhood council membership will be open to everyone who lives, works or owns property in the area (stakeholders);

(3) assurances that the members of the neighborhood council will reflect the diverse interests within their area;

(4) a system through which the neighborhood council will communicate with stakeholders on a regular basis;

(5) a system for financial accountability of its funds; and

(6) guarantees that all meetings will be open and public, and permit, to the extent feasible, every stakeholder to participate in the conduct of business, deliberation and decision-making.

(b) Petitioning for Certification and Approval. Neighborhood councils may petition for certification or recognition in accordance with rules and procedures set forth in the Plan.

Sec. 907. Early Warning System.
The Regulations shall establish procedures for receiving input from neighborhood councils prior to decisions by the City Council, City Council Committees and boards and commissions. The procedures shall include, but need not be limited to, notice to neighborhood councils as soon as practical, and a reasonable opportunity to provide input before decisions are made. Notices to be provided include matters to be considered by the City Council, City Council Committees, and City boards or commissions.

Sec. 908. Powers of Neighborhood Councils.

Subject to applicable law, the City Council may delegate its authority to neighborhood councils to hold public hearings prior to the City Council making a decision on a matter of local concern.

Sec. 909. Annual City Budget Priorities.

Each neighborhood council may present to the Mayor and Council an annual list of priorities for the City budget. The Mayor shall inform certified neighborhood councils of the deadline for submission so that the input may be considered in a timely fashion.

Sec. 910. Monitoring of City Services.

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 reasonable availability.

Sec. 911. Appropriation.

The Mayor and Council shall appropriate funds for the Department of Neighborhood Empowerment and for the startup and functioning of neighborhood councils for the first two years after the effective date of this Article. Funds shall be appropriated into a special fund to be established by ordinance. The Mayor and Council shall thereafter appropriate funds for the department and neighborhood councils at least one year in advance of each subsequent fiscal year.

Sec. 912. Review.

The Mayor and Council shall appoint a commission as prescribed by ordinance to evaluate the provisions of this Article, the Regulations adopted pursuant to this Article, and the efficacy of the system of neighborhood councils no later than seven years after the adoption of the Charter. The commission shall make recommendations to the Council regarding changes to the Charter or the Regulations, as it deems appropriate.

Sec. 913. Transfer of Powers.

Notwithstanding any other provision of the Charter, the Mayor and Council shall not transfer powers, duties or functions of the Department of Neighborhood Empowerment to
any other department, office or agency pursuant to Section 514 during the first five years after implementation of the Plan pursuant to Section 905.

Sec. 914. Effect of Ordinances.

The Council may adopt ordinances concerning neighborhood councils consistent with requirements for the Plan set forth in Section 904 at any time, which ordinances shall supersede any inconsistent Regulations that have become effective pursuant to Section 905.
THE PLAN
for a Citywide System of Neighborhood Councils

APPROVED MAY 30, 2001

AMENDED:
November 8, 2002; May 20, 2005; October 25, 2006;
February 20, 2008; August 6, 2008; February 20, 2009; March 5, 2010
Article I

Goals and Objectives of the Neighborhood Council System

The goals and objectives of the Plan are to:

1. Promote public participation in City governance and decision making processes so that
government is more responsive to local needs and requests and so that more opportunities are
created to build partnerships with government to address local needs and requests.

2. Promote and facilitate communication, interaction, and opportunities for collaboration among all
Certified Neighborhood Councils regarding their common and disparate concerns.
Neighborhood Councils may join together in regional and citywide alliances as a means to
engage in communication, interaction and collaboration. *

3. Facilitate the delivery of City services and City government responses to Certified
Neighborhood Councils' problems and requests for assistance by helping Certified
Neighborhood Councils to both identify and prioritize their needs and to effectively
communicate those needs.

4. Ensure equal opportunity to form Certified Neighborhood Councils and participate in the
governmental decision making and problem solving processes.

5. Create an environment in which all people can organize and propose their own Certified
Neighborhood Councils so that they develop from the grassroots of the community.

6. Foster a sense of community for all people to express ideas and opinions about their
neighborhoods and their government.

* Amended 2/20/09 per Council resolution
Article II

Desired Characteristics of Neighborhood Councils

1. Inclusive Membership

Certified Neighborhood Councils shall be diverse, inclusive, and open to all Community Stakeholders. A Community Stakeholder is defined as any individual who lives, works, or owns property in the neighborhood and any individual who declares a stake in the neighborhood and affirms the factual basis for it. *

2. Statement of Non-Discrimination

Certified Neighborhood Councils must encourage all Community Stakeholders to participate in all of their activities, and may not discriminate in any of their policies, recommendations or actions against any individual or group on the basis of race, religion, color, creed, national origin, ancestry, sex, sexual orientation, age, disability, marital status, income, homeowner status, renter status or political affiliation. **

3. Transparent Operations

Certified Neighborhood Councils shall adopt fair and open procedures for the conduct of their business.

4. Independent Entities

Certified Neighborhood Councils shall be as independent, self-governing, and self-directed as possible. The Department of Neighborhood Empowerment (DONE) shall assist Certified Neighborhood Councils to pursue options, including, but not limited to, tax-exempt status and/or non-profit incorporation, to strengthen their independence. Tax-exempt status and/or non-profit incorporation will have no effect on a Certified Neighborhood Council's eligibility for assistance, monetary or otherwise, from DONE.

* Amended 2/20/08 per Council Resolution

** Amended 2/20/09 per Council Resolution
Article III

Certification of Neighborhood Councils

1. DONE responsibilities. On July 1, 2001, after the adoption of the Neighborhood Council Plan, DONE shall:

   (a) Announce and inform the public of the Neighborhood Council certification process Citywide, but DONE shall not accept completed certification applications until October 1, 2001.

   (b) Actively promote the formation of Certified Neighborhood Councils Citywide, giving emphasis to those areas and Community Stakeholder groups with traditionally low rates of civic participation in government.

   (c) Facilitate and encourage collaboration and discussion among neighboring and overlapping applicant groups and provide technical assistance on how to proceed with a unified certification application, and provide dispute resolution services to applicants where more than one application is submitted for a Neighborhood Council boundary area to gain consensus on a unified certification application.

2. Components of a Certification Application. A certification application shall, at a minimum, include the components listed in this section.

Boundaries

   (a) A detailed description of proposed boundaries shall be provided, including a rationale for drawing the proposed boundaries. Neighborhood Council applicants within a proposed Neighborhood Council boundary shall, to the extent feasible, work together in setting boundaries.

      ➢ In identifying proposed Neighborhood Council boundaries, applicants are encouraged to reference other types of existing boundaries, including, but not limited to, the following:

      (i) Census tracts as a means of complying with the minimum population size of 20,000 Neighborhood Council Community Stakeholders.

      (ii) City service and planning areas, such as police and fire districts or Community Planning Area boundaries.

      ➢ A proposed set of boundaries should, to the maximum extent feasible, follow historic and contemporary community and neighborhood borders, and shall utilize natural boundaries or street lines and be geographically compact and contiguous.

      ➢ The boundaries of two or more Certified Neighborhood Councils may not overlap with one another, unless the area for proposed inclusion into each.
Certified Neighborhood Council is designed for a public use, such as a park, school, library, police or fire station, major thoroughfare, or contains a landmark or facility with historical significance.

- The inaugural boundaries of all Certified Neighborhood Councils shall be the limits of the City of Los Angeles (City). The boundaries of a Certified Neighborhood Council are encouraged to remain within the City limits because the City can only guarantee delivery of its services to City residents.

- Neighborhood Council boundaries should be comprised of no less than 20,000 Neighborhood Council Community Stakeholders. Areas that have fewer than 20,000 Neighborhood Council Community Stakeholders may be certified provided they meet the following criteria:
  
  (i) The proposed area is separated from adjacent communities by significant geographic features; or,
  
  (ii) The proposed area is identified by name within any of the 36 adopted Community Plan Areas of the City Planning Department; or,
  
  (iii) The proposed area represents a historic, identifiable neighborhood or community that is serviced by City service providers, such as a public library, park, recreation center, fire or police station, or a public school.

- A Neighborhood Council that comprises fewer than 20,000 Neighborhood Council Community Stakeholders must satisfy all requirements of this Plan.

**Outreach**

(b) The outreach process used to identify stakeholders within the proposed Neighborhood Council boundary must be described in detail. In order to demonstrate a good faith effort towards achieving a diversity of stakeholder representation, an applicant(s) shall collect no less than 200 and no more than 500 signatures from stakeholders that have an interest within the proposed Neighborhood Council boundaries. Signatures shall, to the maximum extent feasible, reflect the broadest array of Community Stakeholders who will actively participate in the proposed Neighborhood Council.

**Bylaws**

(c) Bylaws shall be established, including the following information.

(i) Neighborhood Council name

(ii) Stakeholder Membership and the Governing Body

  (1) The bylaws shall state that the Neighborhood Council membership is open to all Community Stakeholders.
The bylaws shall include a list of offices of the Governing Body and a method for regularly electing or selecting officers who shall serve as the Governing Body. For the purposes of this Plan, the term Governing Body refers to Community Stakeholders of a Certified Neighborhood Council who are empowered to make decisions on behalf of that Certified Neighborhood Council.

(a) A Certified Neighborhood Council's Governing Body must, to the extent possible, reflect the diversity of the Neighborhood Council's Community Stakeholders. Accordingly, no single Community Stakeholder group shall comprise a majority of a Certified Neighborhood Council's governing body, unless extenuating circumstances are warranted and approved by DONE.

(b) Terms of members of the Governing Body shall be for two or four years, to be decided upon by individual Neighborhood Councils. * Neighborhood Councils may limit the total number of terms that a member of the Governing Body may serve, if the term limitations are set forth in the Neighborhood Council's bylaws after the date this provision was amended. **

(iii) Meeting procedures. Each Certified Neighborhood Council shall:

(1) Meet at least once per calendar quarter.

(2) Obey any or all sections of the State of California's open meeting procedures that apply to Neighborhood Councils (Ralph M. Brown Act), which includes posting meeting notices in generally accepted public places or through electronic media, such as e-mail or posting notice on DONE's Web page.

(3) Establish procedures for communicating with all Neighborhood Council Community Stakeholders on a regular basis in a manner ensuring that information is disseminated evenly and in a timely manner.

(4) A process for running meetings, including:

(a) The number of Governing Body members that constitute a majority and a quorum;

(b) The number of votes by a Governing Body for a Certified Neighborhood Council to take an official action, such as adoption of an item or position; and,
(c) The way in which a vote by the Governing Body or action by a Certified Neighborhood Council can be reconsidered, if applicable.

(iv) A grievance procedure shall be established by which an individual Community Stakeholder or group of Community Stakeholders of a Certified Neighborhood Council shall be able to express concerns to their Governing Body about its decisions and actions.

* Amended 2/20/08 per Council Resolution
** Amended 3/5/10 per Council Resolution
Financial Accountability

(d) A system of financial accountability shall be established that governs a Certified Neighborhood Council’s use of its funds. Each Certified Neighborhood Council shall:

(i) Prescribe a method for keeping a book of accounts that complies with applicable local, state, and federal laws, which includes any or all provisions of Generally Accepted Accounting Principles that apply to a Certified Neighborhood Council, according to the type of entity established by a Certified Neighborhood Council.

(ii) Discuss its finances at a regularly scheduled or special meeting, prior to submitting an account statement to DONE (as prescribed below), in order to gather input from Neighborhood Council Community Stakeholders.

(iii) Ensure that each Certified Neighborhood Council’s book of accounts shall be open to all Community Stakeholders of any Certified Neighborhood Council.

(iv) Establish a process by which each Certified Neighborhood Council member can review the Certified Neighborhood Council’s book of accounts.

➢ Each Certified Neighborhood Council’s Governing Body shall include an officer named the Treasurer, whose duties shall include maintaining the Neighborhood Council’s book of accounts, as prescribed by DONE, and submitting account statements to DONE no less than once and no more than twice during each fiscal year, the date(s) of which shall be prescribed by DONE. Refusal to submit accounting information as required by DONE shall be grounds for consideration of de-certification (as defined in Article VI, Section 5 of this Plan).

Ethics

(e) Each Certified Neighborhood Council shall be subject to any or all applicable sections of the City of Los Angeles Governmental Ethics Ordinance (Los Angeles Municipal Code Section 49.5.1). All applicable laws of local, state, and federal government shall be the minimum ethical standard for a Certified Neighborhood Council, its Governing Body, and Community Stakeholders.

Contacts

(f) Every application shall include contact information for no less than three and no more than five people who shall act as official contacts between the applicants and DONE until the proposed Neighborhood Council is certified.
Article IV

Certification Process

1. DONE staff shall evaluate a certification application to determine whether the application meets all of the criteria set out in Article III, Section 2, "Components of a Certification Application."

2. Once a certification application is submitted to DONE, the application shall be held by DONE for a period of 20 business days. During said period, DONE shall begin its evaluation of the application to ensure that it is complete.

   (a) At the end of said 20 business-day period, if only one application is submitted that describes a specific set of boundaries for a proposed Neighborhood Council and if the application is complete according to DONE's evaluation, DONE shall:

      (i) Forward the application, any accompanying information, and its recommendation to the Board of Neighborhood Commissioners (Commission) for consideration; and,

      (ii) Notify the Neighborhood Council contacts (named in Article II, Section 2(f)), in writing, that the application has been forwarded to the Commission for its consideration.

      (iii) IfDONE fails to evaluate or forward the application (and any accompanying information, including its recommendation) to the Commission within said time period, DONE shall automatically forward the application without a recommendation to the Commission for consideration.

   (b) If DONE receives two or more certification applications within said 20 business-day period that identify the same, similar, or overlapping proposed Neighborhood Council boundaries, DONE shall immediately notify, in writing, all contacts for all affected applicant groups in an effort to work with affected parties to produce a unified application. Applicants of the proposed Neighborhood Councils shall have 20 business days from the date notification is given by DONE to develop a unified application.

      (i) If consensus is reached at any time within said 20 business-day period or at any time during an extended time period pursuant to Article IV, Section 2(b)(ii), said period shall be terminated and all applications shall be deemed received by DONE for evaluation. In the event that all affected applicant groups agree in writing to terminate, for any reason, the process of developing a unified application within the 20 business-day period, all applications, as originally submitted, shall be deemed received by DONE for evaluation. If no consensus is reached within or at the end of the 20 business-day period, the applications, as originally submitted, shall be deemed received by DONE for evaluation.
(ii) The 20 business-day period described in (i) above may be extended by DONE if all certification applicants make such a request in writing within the time period in (i) above. If no consensus is reached within or at the end of the 20 business-day period, the applications, as originally submitted, shall be deemed received by DONE for evaluation.

(iii) Once an application has been deemed received by DONE for evaluation through the processes described in (i) or (ii) above, DONE shall have ten business days to evaluate all applications as submitted. At the end of its ten business-day evaluation period, if DONE determines that all or some of the applications are complete according to DONE’s evaluation, DONE shall forward the application, any accompanying information, and its recommendation to the Commission for consideration. If DONE fails to evaluate or forward the application (and any accompanying information, including its recommendation) to the Commission within said time period, DONE shall automatically forward the application without a recommendation to the Commission for consideration.

(c) If, at any time during the processes described in this section, DONE determines that an application is incomplete, it shall return the application to the applicants along with a detailed list in writing of the missing components required in a certification application and suggestions on how to incorporate missing components. Applicants whose certification application was determined to be incomplete and returned by DONE may at any time re-submit the application after amending it to meet all the necessary criteria.

3. DONE shall have ten business days, from the date that it forwards an application to the Commission for consideration, to prepare, translate (if necessary), and post public notices that a group has applied for certification according to the following:

(a) A copy of the notice shall be posted in at least five public, easily accessible places within the boundaries of the proposed Neighborhood Council. Examples of appropriate posting locations include, but are not limited to, libraries, police or fire stations, or DONE’s Web site.

(b) Copies of the notice shall be posted for 15 business days.

(c) The notice shall be translated into all languages other than English that the City Clerk Election Division uses to produce sample ballot information if the proposed Neighborhood Council boundaries include communities where such languages are spoken. At the present time, a sample ballot is published in Chinese, English, Japanese, Korean, Spanish, Tagalog, and Vietnamese. This list of languages may change from time to time, and DONE shall be responsible for keeping current with said changes. DONE shall be responsible for translating the notice into any other language upon request.

4. Within the same ten business-day time period referenced in Article IV, Section 3, DONE shall provide written notice to the applicant group of the date that the Commission will conduct its public hearing during which the applicant’s certification application will be considered.
5. Within ten business days after the expiration of the 15 business-day public notice period described in Article IV, Section 3(b), the Commission shall conduct a public hearing to take testimony from members of the public regarding the submitted certification application. The following shall apply:

(a) The public hearing shall be conducted as part of the Commission's next regularly scheduled meeting or as part of a special meeting if no regularly scheduled meeting falls within said ten business-day period.

(b) The Commission meeting shall be conducted within the boundaries of the proposed Neighborhood Council.

6. During the meeting where the Commission conducts a public hearing for the purpose of considering a certification application, and at the close of the public comment period and after the Commission's deliberations, the Commission shall either approve or reject the certification application. With concurrence from the applicant, the Commission may defer its decision on a certification application until its next regularly scheduled meeting in order to receive additional information on a matter brought to its attention during its public hearing or to allow for more time to consider the application.

7. In a case where two or more certification applications have identified the same, similar, or overlapping Neighborhood Council boundaries, the Commission shall, based on all available information, make a final determination on how the final boundaries of each Neighborhood Council shall be drawn.

8. If the Commission approves the application, the applicants shall be deemed certified and recognized as a Neighborhood Council in the City of Los Angeles.

9. If the Commission rejects the application, the applicants may, within five meeting days of the City Council during which the Council has convened in regular session, file an appeal with the City Council. The appeal will automatically be placed on the Council's next regular agenda for consideration. The Council may, by ten votes, sustain, reverse, or modify the Commission's decision.
Article V

Neighborhood Council Elections *

1. Compliance

Neighborhood Councils which choose to elect their Governing Body will have their elections administered by the Office of the City Clerk, pursuant to the authority granted to it under Los Angeles Administrative Code Section 20.36. Neighborhood Councils will be subject to any election procedures, rules, regulations, directives or moratoria issued by the City Clerk in administering Neighborhood Council elections. Any election procedures, rules or regulations promulgated by the City Clerk are hereby incorporated into all Neighborhood Councils’ bylaws by reference, and are to be affixed to the bylaws of all Neighborhood Councils.

2. Governing Body Operations

Neighborhood Councils shall be empowered to allocate the Governing Body seats, determine voting rights, including the allocation of different voting roles to different categories of Community Stakeholders and establish other voting procedures, consistent with the Charter, this Plan and the Regulations that implement this Plan, and any procedures issued by the City Clerk. Any Governing Body structures and voting systems adopted should not limit broad participation by Community Stakeholders of a Neighborhood Council.

3. 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. **

4. Violations

A violation of election procedures promulgated by the City Clerk shall constitute a violation of this Plan and may subject a Neighborhood Council to the decertification procedures set forth in Article VI of this Plan, either upon submission of a complaint as outlined in Article VI, Section 4 of this Plan, or by DONE filing a report with the Commission asking it to consider decertification, after having first taken steps in an effort to achieve compliance with the election procedures.

*Amended 2/20/08 per Council Resolution
** Amended 3/5/10 per Council Resolution
Article VI

Certified Neighborhood Council Self Assessment, Boundary and Bylaw Adjustment, Complaints, and De-Certification

1. Self Assessment

Each Certified Neighborhood Council shall, with the assistance of DONE as requested, survey its Community Stakeholders at least once biennially, to assess whether their Certified Neighborhood Council has met applicable goals set forth in the Charter and Article I, "Goals and Objectives of the Neighborhood Council System". The form of the review shall be prescribed by DONE, and the results of the review shall be made public and posted on DONE's Web site. A copy of the review shall be sent to the affected Certified Neighborhood Council.

2. Boundary Adjustment

(a) A Certified Neighborhood Council may petition the Commission to adjust its boundaries. All such petitions shall remain in accordance with Article III, Section 2. Reasons for boundary adjustment may include, but are not limited to:

   (i) Including an uncertified adjacent community;

   (ii) Reconfiguring based on population decrease or increase; or,

   (iii) Increasing or reducing a Certified Neighborhood Council's size to increase effectiveness and efficiency.

(b) Petitions shall be reviewed by DONE which shall forward the petition, any accompanying information, and its recommendation, within 15 business days of receipt, to the Commission for consideration at its next regularly scheduled meeting. If the Commission approves the petition, the Neighborhood Council boundary shall be deemed changed. If the Commission rejects the petition, the Governing Body of the petitioning Certified Neighborhood Council may take an action to, within five meeting days of the City Council during which the Council has convened in regular session, file an appeal with the City Council. The appeal will automatically be placed on the Council's next regular agenda for Council consideration. The Council may, by ten votes, sustain, reverse, or modify the Commission's decision.

(c) The Commission shall have the authority to expand a Certified Neighborhood Council's boundary in order to incorporate an area of the City that has not formed a Certified Neighborhood Council into the boundary of another, adjoining Certified Neighborhood Council, provided that:

   (i) The proposed area to be incorporated into a Certified Neighborhood Council's boundary lies between two or more Certified Neighborhood Councils;
(ii) The area to be incorporated does not qualify for certification under the provisions of this Plan; and,

(iii) Community Stakeholders of the area to be incorporated and of the affected Certified Neighborhood Council(s) agree to the proposed incorporation.

(d) If incorporation of an area into an existing Certified Neighborhood Council's boundary is initiated by an entity other than the Commission, Community Stakeholders of the area to be incorporated and of the affected Certified Neighborhood Council(s) must agree to the proposed incorporation prior to consideration by the Commission. The following process shall apply.

(i) An Incorporation Petition, as prescribed by DONE, shall be completed in order to document the proposed incorporation. An Incorporation Petition shall be filed with DONE for evaluation.

(a) DONE shall have 20 business days from receipt of the Incorporation Petition to evaluate the incorporation request. If an Incorporation Petition is complete according to DONE's evaluation, DONE shall forward the Incorporation Petition, any accompanying information, and its recommendation to the Commission for consideration. If DONE fails to evaluate or forward the Incorporation Petition (and any accompanying information, including its recommendation) to the Commission within said time period, the Incorporation Petition shall be automatically forwarded to the Commission for consideration.

(b) If, at any time during the processes described in this section, DONE determines that an Incorporation Petition is incomplete, it shall return the petition to the applicants along with a detailed list in writing of DONE's objections to the Incorporation Petition and suggestions on how to revise the Incorporation Petition. An Incorporation Petition returned by DONE may at any time be re-submitted after it is amended to meet all the necessary criteria cited by DONE.

(ii) DONE shall have ten business days, from the date that it forwards an Incorporation Petition to the Commission for consideration, to prepare, translate (if necessary), and post public notices that an Incorporation Petition has been received, according to the following:

(a) A copy of the notice shall be posted in at least five public, easily accessible places within the boundaries of the proposed incorporated area and all affected Neighborhood Councils. Examples of appropriate posting locations include, but are not limited to, libraries, police stations, fire stations, or DONE's Web site.

(b) Copies of the notice shall be posted for 15 business days.

(c) The notice shall be translated into all languages other than English that the City Clerk Election Division uses to produce sample ballot information if the
proposed Neighborhood Council boundaries include communities where such languages are spoken. At the present time, a sample ballot is published in Chinese, English, Japanese, Korean, Spanish, Tagalog, and Vietnamese. This list of languages may change from time to time, and DONE shall be responsible for keeping current with said changes. DONE shall be responsible for translating the notice into any other language upon request.

(iii) Within the same ten business-day time period referenced in Article VI, Section 2(d)(ii), DONE shall provide written notice to the applicant group of the date that the Commission will conduct its public hearing during which the applicant's Incorporation Petition will be considered.

(iv) Within ten business days after the expiration of the 15 business day public notice period described in Article VI, Section 2(d)(ii)(b), the Commission shall conduct a public hearing to take testimony from members of the public regarding the proposed incorporation. The following shall apply:

(a) The public hearing shall be conducted as part of the Commission's next regularly scheduled meeting or as part of a special meeting if no regularly scheduled meeting falls within said ten business-day period.

(b) The Commission meeting shall be conducted within the boundaries of the proposed incorporated area or within the boundaries of any of the affected Certified Neighborhood Councils.

(v) During the meeting where the Commission conducts a public hearing for the purpose of considering an Incorporation Petition, and at the close of the public comment period and after the Commission's deliberations, the Commission shall either approve or reject the Incorporation Petition. With concurrence from the applicant, the Commission may defer its decision on an Incorporation Petition until its next regularly scheduled meeting in order to receive additional information on a matter brought to its attention during its public hearing or to allow for more time to consider the Incorporation Petition.

(vi) If the Commission approves the Incorporation Petition, the proposed area shall be incorporated into the specified Certified Neighborhood Council named in the Incorporation Petition. If the Commission rejects the Incorporation Petition, the applicants may, within five meeting days of the City Council during which the Council has convened in regular session, file an appeal with the City Council. The appeal will automatically be placed on the Council's next regular agenda for Council consideration. The Council may, by ten votes, sustain, reverse, or modify the Commission's decision.
3. Bylaw Adjustment

A Certified Neighborhood Council that wishes to change or adjust its bylaws shall complete an Application to Change or Adjust Bylaws, as prescribed by DONE, and submit the application to DONE for evaluation. DONE shall have ten business days from receipt of the application to complete its evaluation.

(a) If DONE determines that the application is incomplete, it shall return the application to the Governing Body of the affected Certified Neighborhood Council along with a detailed list in writing of missing or incomplete items in the application and suggestions on how to complete the application successfully. An application returned by DONE may at any time be re-submitted after it is adjusted to meet all the necessary criteria cited by DONE.

(b) If the application is complete and consistent with the principles governing a Certified Neighborhood Council’s purpose or operations according to DONE’s evaluation, DONE shall file the application and the change in the affected Certified Neighborhood Council’s bylaws shall be deemed approved. Upon filing the change, DONE shall provide written notice to the affected Certified Neighborhood Council that the change in its bylaws was duly recorded with DONE.

(c) Changes to a Certified Neighborhood Council’s Governing Body structure shall be approved by the Commission. In addition, if DONE determines that the changed bylaws are inconsistent with the principles governing a Certified Neighborhood Council’s purpose or operations, DONE shall forward an evaluation to the Commission for its review. The Commission, at its next regularly scheduled meeting, shall approve or reject the change in bylaws application. If the Commission approves the change of bylaws, the Certified Neighborhood Council’s proposed bylaws shall be deemed approved and become effective immediately. If the Commission rejects the change of bylaws application, the Certified Neighborhood Council’s bylaws shall remain as adopted prior to the filing of the application.

4. Complaints Against Certified Neighborhood Councils

Complaints against a Certified Neighborhood Council of any nature shall be filed with DONE, on a form prescribed by DONE. A copy of the complaint shall be delivered by DONE to the affected Certified Neighborhood Council against which the complaint is made within five business days of receipt of the complaint. Exhaustive efforts to remedy all complaints shall be taken by DONE. In the case where a complaint is in regards to a violation of this Plan and a remedy cannot be reached, the process prescribed in Article VI, Section 5 shall be followed.

5. Involuntary De-Certification of a Certified Neighborhood Council

Before initiating de-certification of a Certified Neighborhood Council, DONE shall take all steps available to remedy a violation of the Plan. If DONE finds that efforts to comply with a proposed remedy have failed, the General Manager of DONE shall initiate a process of decertification.

*Amended 2/20/09 per Council Resolution
(a) DONE shall complete an Application to De-Certify a Certified Neighborhood Council, as prescribed by DONE, and immediately transmit a copy of the application to both the Commission, for consideration at its next regularly scheduled meeting, and to the affected Certified Neighborhood Council.

(b) DONE shall, immediately after transmitting copies of the application to the Commission and affected Certified Neighborhood Council, post public notices that a de-certification application has been filed with the Commission according to the following:

(i) A copy of the notice shall be posted in at least five public, easily accessible places within the boundaries of the affected Neighborhood Council, and shall post the notice on DONE's Web site. Examples of appropriate posting locations include, but are not limited to, libraries, police stations, or fire stations.

(ii) Copies of the notice shall be posted for 15 business days.

(iii) The notice shall be translated into all languages other than English that the City Clerk Election Division uses to produce sample ballot information if the proposed Neighborhood Council boundaries include communities where such languages are spoken. At the present time, a sample ballot is published in Chinese, English, Japanese, Korean, Spanish, Tagalog, and Vietnamese. This list of languages may change from time to time, and DONE shall be responsible for keeping current with said changes. DONE shall be responsible for translating the notice into any other language upon request.

(c) Within ten business days after the expiration of the 15 business day public notice period described in Article VI, Section 5(b)(ii), the Commission shall conduct a public hearing to take testimony from members of the public regarding the proposed de-certification application. The following shall apply:

(i) The public hearing shall be conducted as part of the Commission's next regularly scheduled meeting or as part of a special meeting if no regularly scheduled meeting falls within said ten business-day period.

(ii) The Commission meeting shall be conducted within the boundaries of the affected Certified Neighborhood Council proposed for de-certification.

(d) During the meeting where the Commission conducts a public hearing for the purpose of considering a de-certification application, and at the close of the public comment period and after the Commission's deliberations, the Commission shall either approve or reject the de-certification application. With concurrence from the affected Certified Neighborhood Council, the Commission may defer its decision on the application until its next regularly scheduled meeting in order to receive additional information on a matter brought to its attention during its public hearing or to allow for more time to consider the application.
(e) If the Commission approves the application, the affected Certified Neighborhood Council shall be deemed de-certified and will be no longer be recognized as a Certified Neighborhood Council in the City of Los Angeles.

(f) If the Commission approves the application, any members of the Governing Body of the affected Certified Neighborhood Council may, within five meeting days of the City Council during which the Council has convened in regular session, file an appeal with the City Council. The appeal will automatically be placed on the Council's next regular agenda for Council consideration. The Council may, by ten votes, sustain, reverse, or modify the Commission's decision.

(g) A Certified Neighborhood Council shall return all City-owned resources, including unexpended City-appropriated funds, to the City immediately upon its decertification.

6. Voluntary De-Certification of a Certified Neighborhood Council

A Certified Neighborhood Council may petition the Commission to be de-certified as a Certified Neighborhood Council in the City of Los Angeles.

(a) An Application to De-Certify a Certified Neighborhood Council, as prescribed by DONE, shall be completed and signed by at least 3/4 of the Governing Body of the affected Certified Neighborhood Council seeking de-certification. The application shall be filed with DONE.

(b) DONE shall have ten business days, from the date of receipt of an application, to prepare, translate (if necessary), and post public notices that a group has applied for de-certification according to the following:

(i) A copy of the notice shall be posted in at least five public, easily accessible places within the boundaries of the affected Neighborhood Council, and shall post the notice on DONE's Web site. Examples of appropriate posting locations include, but are not limited to, libraries, police stations, or fire stations.

(ii) Copies of the notice shall be posted for 15 business days.

(iii) The notice shall be translated into all languages other than English that the City Clerk Election Division uses to produce sample ballot information if the proposed Neighborhood Council boundaries include communities where such languages are spoken. At the present time, a sample ballot is published in Chinese, English, Japanese, Korean, Spanish, Tagalog, and Vietnamese. This list of languages may change from time to time, and DONE shall be responsible for keeping current with said changes. DONE shall be responsible for translating the notice into any other language upon request.

(c) Within ten business days after the expiration of the 15 business day public notice period described in Article VI, Section 6(b)(ii), the Commission shall conduct a public hearing to take testimony from members of the public regarding the proposed de-certification application. The following shall apply:
(i) The public hearing shall be conducted as part of the Commission's next regularly scheduled meeting or as part of a special meeting if no regularly scheduled meeting falls within said ten business-day period.

(ii) The Commission meeting shall be conducted within the boundaries of the affected Certified Neighborhood Council proposed for de-certification.

(d) During the meeting where the Commission conducts a public hearing for the purpose of considering a de-certification application, and at the close of the public comment period and after the Commission's deliberations, the Commission shall either approve or reject the de-certification application. The Commission may defer its decision on the application until its next regularly scheduled meeting in order to receive additional information on a matter brought to its attention during its public hearing or to allow for more time to consider the application.

(e) If the Commission approves the application, the affected Certified Neighborhood Council shall be deemed de-certified and will be no longer be recognized as a Certified Neighborhood Council in the City of Los Angeles.

(f) If the Commission rejects the de-certification application, Community Stakeholders of the affected Certified Neighborhood Council, who have regularly attended the affected Certified Neighborhood Council's meetings, that has filed for de-certification and who disagree with the Commission's decision may appeal. The applicants may, within five meeting days of the City Council during which the Council has convened in regular session, file an appeal with the City Council. The appeal will automatically be placed on the Council's next regular agenda for Council consideration. The Council may, by ten votes, sustain, reverse, or modify the Commission's decision.

(g) A Certified Neighborhood Council shall return all City-owned resources, including unexpended City-appropriated funds, to the City immediately upon its decertification.
Article VII

Responsibilities of the Department of Neighborhood Empowerment

At a minimum, the Department of Neighborhood Empowerment shall:

1. Implement and oversee compliance with City ordinances and regulations relating to a Citywide system of Neighborhood Councils.

2. Assist neighborhoods and Certified Neighborhood Councils with public and civic education, outreach, and training with an emphasis given to areas that have traditionally low rates of participation in government.

3. Assist applicants and neighborhoods with preparation of all petitions and forms referenced in this Plan, identify suitable Neighborhood Council boundaries, and organize Neighborhood Councils in accordance with this Plan.

4. Help coordinate meetings and facilitate communication among Certified Neighborhood Councils that request assistance.

5. Help coordinate, arrange, and convene the biannual Congress of Neighborhood Councils meetings.

6. Promote and facilitate open communication among City agencies and Certified Neighborhood Councils, and provide education, guidance, and assistance in developing strategies for providing comments and feedback to the City Council and its committees and City boards and commissions.

7. Assist Certified Neighborhood Councils with the selection of their Governing Body and conduct the City’s portion of the outreach effort necessary to mobilize stakeholders to vote in Neighborhood Council elections. *

8. Provide operational support to and facilitate the sharing of resources among Certified Neighborhood Councils, including, but not limited to, meeting and office space, office equipment, and mail and communications in order to communicate among constituents, Certified Neighborhood Councils, and government officials.

9. Create and maintain a database of information about Certified Neighborhood Councils, including, among other information, names and contact information that will be available for public use.

10. Act as an information clearinghouse and resource to Certified Neighborhood Councils.

11. Create and maintain an Early Notification System as prescribed in this Plan.

12. Assure equal opportunity to form and develop Certified Neighborhood Councils. DONE shall assist groups and Community Stakeholders seeking Certified Neighborhood Council status by:

* Amended 2/20/08 per Council Resolution
(a) Helping understand the processes and procedures for establishing a Certified Neighborhood Council.

(b) Assisting with completion of certification application.

(c) Providing assistance to areas with traditionally low rates of participation in government.

(d) Mitigating barriers to participation, such as the need for translation and childcare services.

13. Review and evaluate the Citywide system of Neighborhood Councils. As part of its annual report, DONE shall provide information on the size, geographic scope, and economic and demographic conditions of areas of the City in which Certified Neighborhood Councils have and have not been certified.

14. Report quarterly, commencing from the adoption date of this Plan, to the appropriate Council Committee on the Department's certification efforts, and on strategies and recommendations for certifying areas with traditionally low rates of civic participation in government to ensure participation by all the City’s neighborhoods in the certification process.

15. Arrange training for Neighborhood Councils' officers and staff.

16. Provide adequate levels of staffing, with consideration to resource availability, for each Certified Neighborhood Council.
Article VIII

Early Notification System

DONE shall create and maintain an Early Notification System (ENS) in accordance with City Charter Section 907. The ENS is designed to supplement current state and local laws regarding public notification. The ENS will operate according to the following:

1. Subject to all other provisions of this Plan, all Certified Neighborhood Councils shall be provided access to a computer and to the Internet. DONE shall provide technical training on the use of a computer to each Certified Neighborhood Council.

2. An ENS Web site shall be created and maintained where information regarding the City Council and its committees and City boards and commissions will be available.

3. In addition to accessing information through the ENS Web site, Certified Neighborhood Councils will be able to subscribe to services whereby they will receive electronic mail notifications regarding updates to the information on the ENS Web site.

4. Information on the ENS Web site shall be provided as soon as is practical so that Certified Neighborhood Councils are afforded an opportunity to prepare and provide comments before decisions are made.

5. The City shall provide each Certified Neighborhood Council with an electronic mail (e-mail) address. The use of this e-mail address shall be limited strictly to official Certified Neighborhood Council business, such as communicating with Neighborhood Council Community Stakeholders about meeting times and places and communicating with the City on matters of importance to the Certified Neighborhood Council. Each Certified Neighborhood Council shall be required to use the City's officially designated e-mail address to correspond with City departments and agencies if the Certified Neighborhood Council expects their correspondence to be entered into the public record.

6. Certified Neighborhood Councils shall be allowed to provide comment and feedback electronically to the City Council, its committees, and City boards and commissions via the ENS. Comments from a Certified Neighborhood Council's officially designated e-mail address (as described in Article VIII, Section 5) shall be printed and placed into the public record.

7. DONE may coordinate additional information for distribution through the ENS from public or private entities as they directly relate to Certified Neighborhood Councils and issues affecting Certified Neighborhood Councils, provided that they are subject to all regulations and requirements of this Plan.
Article IX

Funding*

1. At the beginning of each fiscal year, the Mayor and Council shall appropriate money for Certified Neighborhood Councils for costs related to the functions, operations, and duties of being a Certified Neighborhood Council. Such functions, operations, and duties include, but are not limited to, meeting and office space, office equipment, computers, supplies, and communications, such as costs associated with newsletters, postage, or printing written materials. At the discretion of each neighborhood council, and as approved by the DONE, all or part of the money so appropriated may be used for neighborhood improvement projects.

2. Any money which the Mayor and Council appropriate as grant funds each fiscal year shall be made available to Certified Neighborhood Councils for various neighborhood improvement projects. In order to be eligible for grant money, a Certified Neighborhood Council shall submit an application to DONE, as prescribed by DONE. Grant money shall be awarded to Certified Neighborhood Councils based on criteria and procedures established by DONE and the Commission. Each Certified Neighborhood Council that receives grant money shall be required to account for its expenditures pursuant to this Plan (Article III, Section 2(d)).

*Amended 11/08/02 per Council Resolution
Article X *

Financial Accountability and Technical Assistance Policy

1. Preliminary Review of Expenditures

   The DONE may make a preliminary review of any expenditure or financial transactions contemplated by a Certified Neighborhood Council to ensure that it is acceptable, appropriate, and comports with DONE guidelines and laws that pertain. Where a Certified Neighborhood Council is unsure whether a proposed expenditure is appropriate, it shall make a written request for guidance from the DONE on the matter before any commitment to expend funds is made or the transaction is completed.

2. Expenditure Oversight

   The DONE may monitor and review any and all financial transactions made by a Certified Neighborhood Council as follows:

   (a) Computer based [on-line] review of any information concerning Commercial Prepaid Card transactions, negotiable instruments, or any other applicable method by which Certified Neighborhood Councils may access City funds and make financial transactions.

   (b) On-site review of any Certified Neighborhood Council’s accounts, statements, books, records, receipts, invoices, or any other document that evidences any financial transaction.

   (c) A DONE in-house review of any Certified Neighborhood Council’s accounts and business records prior to releasing funds to the Certified Neighborhood Council for the conduct of its business.

3. Admonition

   When the DONE determines that a Certified Neighborhood Council has failed to account for its funds or has misused its funds, then the DONE may issue a Fiscal Responsibility Admonition Letter informing the Certified Neighborhood Council of the problem. Where the DONE deems it necessary, the Financial Responsibility Admonition Letter may request as follows:

   (a) That the Certified Neighborhood Council take specific corrective action to comply with Generally Accepted Accounting Principles or those prescribed by the DONE under the Neighborhood Council Funding Program.

   (b) That the Treasurer, or any other Certified Neighborhood Council representative, shall meet with the DONE staff to discuss accounting practices or any other financial matter involving the Certified Neighborhood Council and, thereafter, follow a remedial plan as prescribed by the DONE.
4. Corrective Action and Remedial Measures

If the DONE determines that a Certified Neighborhood Council has misused its funds, then the DONE may impose corrective action or remedial measures on the Certified Neighborhood Council. The DONE’s decision to impose corrective action or remedial measures, or both, is final; except where de-certification is initiated as set forth in Section 22.810.1(e)(2) of the Los Angeles Administrative Code.

5. Corrective Action

As outlined in the DONE’s Fiscal Responsibility Admonition Letter, the corrective action prescribed by the DONE may include, but is not limited to, the following:

(a) Denying funding requests for payment on purchases or transactions deemed unacceptable or a misuse of public funds.

(b) Suspending all access to and the use of Certified Neighborhood Council funds, including Commercial Prepaid Cards or City issued demand warrants.

(c) Reducing funding to a Certified Neighborhood Council in amounts that equal or approximate the amount necessary to compensate for, or remedy, any unacceptable purchase or financial transaction, or to redeem misused public funds; including any administrative or incidental costs associated therewith.

6. Remedial Measures

The DONE is authorized to impose remedial measures on any Certified Neighborhood Council when the Department determines that an unacceptable purchase, financial transaction, or misuse of public funds has occurred, or may occur, in violation of accounting principles, DONE guidelines, or laws that pertain. Any remedial measures imposed by DONE will be identified in a Fiscal Responsibility Admonition Letter and may include any combination of corrective actions and remedial measures that the DONE deems appropriate under the circumstances.

In an effort to insure that the Certified Neighborhood Councils operate in a fiscally responsible manner and to support the financial integrity of the Neighborhood Council Funding Program, the Department may impose the following remedial measures:

(a) Require mandatory supplemental training for any treasurer or fiscal agent of a Governing Body or, if necessary, the entire Governing Body of the Certified Neighborhood Council.

(b) Require that the Certified Neighborhood Council develop and commit to a written remedial action plan within 45 days from the date when the DONE mails a Fiscal Responsibility Admonition Letter imposing such a measure.
(c) Require that the Certified Neighborhood Council be placed on formal probation when the DONE determines that a Certified Neighborhood Council has been repeatedly deficient in its accounting practices or has consistently mishandled or misused its funds.

(d) Require that the Certified Neighborhood Council immediately relinquish all access to, and tender all control of, its business records and funds to the DONE. The DONE may impose this measure when it determines that the Certified Neighborhood Council has not complied with the corrective or remedial measures outlined in a previous Financial Admonition Letter, the prospect of rectifying the problem is unlikely, or the circumstances require immediate action to safeguard public funds.

(e) Refer the matter to the Commission with a recommendation that the Certified Neighborhood Council be involuntary decertified as set forth in section 22.810.1(e)(2) of the Los Angeles Administrative Code. DONE may recommend decertification when it determines that a Certified Neighborhood Council is incapable of handling its accounts, its Governing Body refuses to follow the advice, corrective action, or remedial measures outlined by the DONE, or the circumstances require immediate action to safeguard public funds.

(f) Refer the matter to the appropriate department, commission, or law enforcement agency when the Department has reasonable cause to believe that someone has engaged in unlawful or criminal activity involving a Certified Neighborhood Council’s public funds.

* Added 10/25/06 per Council Resolution
Article XI *

Neighborhood Purposes Grant Program

Neighborhood councils that desire to make a grant of their public funds to a nonprofit corporation (excluding religious institutions) organized under 26 United States Code (U.S.C), section 501(c)(3) or to a public school, as authorized by Los Angeles Administrative Code sections 22.801(p) and 22.817, may make a final grant prior to making a final grant commitment and disburse funds to any grantee upon completion of the following:

1. Governing Body Approval

Any grant contemplated by a Certified Neighborhood Council shall be approved by action of the Certified Neighborhood Council’s Governing Body and shall be reflected in a written motion or resolution adopted by that body containing, in substance, the following details:

(a) The precise legal name of the recipient or grantee.

(b) The dollar amount of the grant.

(c) A description of the public purpose served by the grant.

2. Administrative Processing

After a Certified Neighborhood Council has approved a grant, evidenced by a written motion or resolution, a member of the Governing Body shall submit the following to DONE’s administrative office within 45 days:

(a) A written motion or resolution adopted by the Governing Body evidencing the body’s intention to make a grant.

(b) A Neighborhood Purposes Grant Program Application, as prescribed by DONE, which contains the information set forth in Section 1(a)-(c), above.

(c) Any additional information requested by DONE for it to evaluate the terms and legality of the proposed grant and a written grant agreement pursuant to the City’s contracting procedures.

3. Grant Application Evaluation

After receiving the Neighborhood Purposes Grant Program Application and documentation as set forth in Section 2 above, DONE shall forthwith evaluate the Certified Neighborhood Council’s proposed grant to determine as follows:
(a) Whether the proposed award or grant is being made to a nonprofit organization (excluding religious institutions) organized under 26 U.S.C. section 501(c)(3), or to a public school.

(b) Whether the proposed grant is for an identifiable public purpose, is consistent with the allowable expenditures under the Neighborhood Council Funding Program, and comports with all laws.

4. Grant Application Determination

(a) A decision by DONE to approve or deny a Certified Neighborhood Council’s proposed grant is final.

(b) DONE shall keep a record of all grants and, on behalf of the Certified Neighborhood Councils, prepare written contracts for all grants exceeding five thousand dollars ($5,000).

(c) The Commission shall approve all proposed grant contracts that exceed ($20,000) twenty-thousand dollars.

(d) Each grant application approved by DONE shall be treated as a separate neighborhood purposes grant.

(e) DONE shall ensure that the grant application process is transparent and that the identity of each grantee is retained and posted on the DONE website.

*Added 8/6/08 per Council Resolution
THE BROWN ACT AND NEIGHBORHOOD COUNCILS
Office of the City Attorney, Neighborhood Council Advice Division- April 5, 2003

What Is The Ralph M. Brown Act?

The Brown Act is a state law which governs open meetings for local governmental bodies. The Brown Act (also "Act") is contained in the Government Code at § 54950 et seq., and establishes rules designed to ensure that actions and deliberations of commissions, boards, councils and other public bodies of local agencies are taken openly and with public access and input.

Why Are Neighborhood Councils Subject To The Brown Act?

The Brown Act governs the meetings of all local "legislative bodies," that is; all multi-member councils, boards, commissions, committees and the like, of a local governmental agency. Only bodies created by charter, ordinance, or the formal action of another legislative body are covered by the Act. Neighborhood councils are covered by the Brown Act because the City Charter created the system of neighborhood councils, which required the approval of a plan to implement the system, and an ordinance to implement that plan. The ordinance provides for the City to certify, and otherwise recognize neighborhood councils, as an official component of the City. This combination of features, i.e., the Charter-created system and adoption of the plan and ordinance, satisfies the "creation by charter, ordinance or formal action" test of the Act. Thus, meetings of neighborhood councils are covered by the Act.

What Constitutes A Meeting Of A Neighborhood Council?

A meeting of your neighborhood council will occur when a majority of the members of your board, or whatever term your bylaws use to define its "governing body," meet at the same time and place to hear, discuss, or deliberate upon any matter which is under the subject matter jurisdiction of your neighborhood council. The jurisdiction of your neighborhood council will be broad since neighborhood councils are advisory bodies to all of the City decision-makers. Some neighborhood councils may have defined the particular areas of importance to them in their bylaws, so those areas will also provide guidance as to matters over which a neighborhood council will have jurisdiction.

Many neighborhood councils have provided in their bylaws that decisions of their governing body are made by a majority of the total number on the board. Others provide that decisions are made by a majority of the number of board members present at the meeting. Still others provide for decision by action by a majority of the quorum of the board. If your bylaws provide that some number less than a simple majority of the board can make a decision on behalf of the neighborhood council, the gathering of that group of people is an official meeting under the Act.\footnote{Accordingly, whenever this paper uses the term "majority" to define a meeting, we include the term "quorum" as well.} The least number of persons under your bylaws who can take an official action for your neighborhood council is the number to be aware of for purposes of
One might think that the Brown Act applies only when a board is making decisions at a public meeting. In fact, the Brown Act will also apply whenever a majority of your neighborhood council board meet to simply discuss, deliberate or acquire information about a matter within the subject matter of your neighborhood council. A meeting may also include a conference or retreat attended by a majority of neighborhood council board members. If a conference (or similar gathering) is open to members of the public, involves issues of general interest to the public or to a number of public agencies, it is not a meeting subject to the Act, and neighborhood council board members are free to attend so long as the majority of board members do not discuss among themselves, other than as part of the scheduled program, specific issues within the jurisdiction of the neighborhood council. Retreats held by a neighborhood council, however, would be subject to the open meeting laws of the Act because, by definition, they do not involve a number of different public agencies but rather, would likely involve issues relating solely to the neighborhood council. Thus, members of the public must be allowed to attend, and the retreat would be subject to the Act's notice requirements, as described below.

If your neighborhood council decided to hold a lunch meeting or dinner meeting, at which matters within the jurisdiction of your neighborhood council will be discussed, the lunch or dinner meeting would need to be noticed as a meeting of the neighborhood council, and members of the public must be allowed to attend, without having to pay for the lunch or dinner although they need not receive the meal.

In addition, there are some common situations that you need to be particularly alert to, such as informal gatherings, "serial" meetings, including serial meetings that may be conducted through the use of electronic mail ("e-mail") and the conduct of neighborhood council elections, all of which raise Brown Act concerns.

**Informal Gatherings.** Since your board members will be stakeholders in the community of your neighborhood council, it is likely that they will have occasion to gather together informally at picnics, fund-raisers, carwashes or other community events. Not every gathering of a majority of neighborhood council board members will necessarily constitute a meeting under the Act. Informal, social gatherings of board members are not meetings and neighborhood council board members do not need to comply with the provisions of the Act in order to attend gatherings of that nature. However, even at these purely social occasions, a majority of the board may not gather together to discuss matters within the subject matter under the council's jurisdiction and must guard against discussing matters that are likely to be issues within the subject matter jurisdiction of your neighborhood council.

**Serial Meetings.** The Act prevents, what courts have called, "serial meetings," that would be employed by a majority of your board members to develop a consensus as to action to be taken on a matter coming before your neighborhood council. This is because the Act's main goal is to ensure that the public's business is in fact conducted in public.

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1 Less than a majority of board members may meet together or over the phone or by email to discuss a subject within the jurisdiction of the neighborhood council without having to comply with the Act.
A serial meeting is a series of separate communications that ultimately involves a majority of a legislative body. The Act prohibits this type of communication if it contributes to the development of an agreement among the majority on any particular item.

For example, if you have an 11-person board, the quorum of your board is 6 people and official actions are taken by a majority of the entire board, a chain of communications between six of those members could result in a serial meeting in violation of the Act. This can occur either if one person contacts the other five members or if, for example, member A contacts member B who contacts member C, etc., until six or more of the board members have discussed and agreed to the action they want to take on a particular item. These types of communications are prohibited under the Act.

The Act also prohibits the use of technological devices to assist in a majority of a board in arriving at any decision. Therefore, as noted earlier, you must always be aware of the least number of board members under your bylaws who can take official action on behalf of your neighborhood council and be particularly cautious of communicating by telephone, fax, or e-mails with a majority of your members on matters of substance coming before your neighborhood council. However, communications between board members and an executive officer, such as a Secretary, to discuss times, dates and placement of matters on the agenda, and the availability of board members to assess whether an upcoming meeting will have a quorum, may occur without violating the Act. Similarly, merely sending or receiving a written communication to or by a majority of the board members (including an e-mail), does not result in a serial meeting in violation of the Act if the communication becomes a public record and there is no exchange of these communications among board members on a substantive issue coming before your neighborhood council. A majority of board members should also refrain from circulating motions, proposals and similar documents among themselves for review and signature other than at a noticed public meeting.

In addition, a serial meeting may occur through the use of an intermediary. Thus, you cannot use any person for the express purpose of polling a majority of the neighborhood council board members to gain a consensus on an item coming before the council. In addition, you may not ask a third party to communicate among the board to obtain a consensus; you cannot use intermediaries to accomplish the actions that you are directly prohibited from undertaking.

Elections. For purposes of electing its officers or board members, a neighborhood council may hold an election day at which stakeholders, including board members, may cast their votes for their representatives. These type of elections which envision using a ballot to cast votes anonymously, i.e., "secret ballots", would not constitute a "meeting" under the Act. As long as no other neighborhood council business is conducted, these gatherings, if conducted solely for election purposes, would not constitute a meeting subject to the Act. However, if any type of neighborhood council business is to be conducted at the venue for the election, the entire election would be subject to the Act. In that situation, traditional secret balloting would not be allowed since the Brown Act prohibits voting by secret ballot.
and all voting would have to occur openly where the person's voting choices are readily ascertainable.

Some neighborhood councils provide for the election of their officers to be conducted by the elected board members, rather than by a general vote of the stakeholders. This procedure does not occur at an election day, but instead at a public meeting. At a meeting for the election of officers, an item appears on the agenda for the election of officers. That meeting must otherwise comply with the notice and agenda requirements of the Act. In addition, the election itself may not be conducted by secret ballot. Thus, the board members exercising their right to elect their officers must record their votes openly, either by voice or hand vote or by a written ballot that can be identified to the voter and the results are publicly tallied.¹

**What Type Of Rules Will Govern The Conduct Of Neighborhood Council Meetings Under The Act?**

*Regular Meetings.* The Act will require that neighborhood councils hold their meetings at a regular time and place. The Plan for a Citywide System of Neighborhood Councils (Plan) provides that every neighborhood council must meet at least quarterly. Your council may, of course, choose to meet more often than the minimum time set forth in the Plan. Your council should already have included the minimum meeting requirement in your bylaws and you should establish, either in your bylaws, or subsequently adopted Rules of Order, a regular meeting place as well.

*Open Meetings.* The Plan already provides that meetings of your neighborhood council must be open to the public. The Brown Act also specifically requires that your meetings must be open. This means open not only to your neighborhood council stakeholders, but to any member of the public. Your neighborhood council may not charge a fee for admittance, nor can you require members to sign in or identify themselves as a condition of attending a meeting. (For voting or membership identification purposes, although we recommend against any process that discourages stakeholder participation, it is appropriate for your group to create a registration form to identify your stakeholders as members of the neighborhood council, if you choose. However, if a registration form is posted or circulated at a meeting, it must clearly state that completion of the document is voluntary and not a precondition for attendance.) Discussion and deliberation of agenda items by your council's board must be done openly -- no secret ballots or secret deliberations are allowed. Again, the purpose of these requirements is to allow members of the public to hear and observe the proceedings. Finally, meetings may not be held in facilities that are inaccessible to disabled persons or in facilities that prohibit the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry or sex. *Location of Meetings.* The Brown Act provides that regular and special meetings must be held within the boundaries of the territory over which the legislative body has jurisdiction. This means that your

¹ The Attorney General has opined that “members of a [legislative] body may cast their ballots either orally or in writing so long as the written ballots are marked and tallied in open
neighborhood council meetings should be conducted within the City of Los Angeles and probably should be held within the boundaries of your neighborhood council area. However, there are provisions that allow for the occasional "field trip" outside your boundaries. The Act does allow neighborhood council meetings to be held by teleconference. A teleconference is a meeting where your council members are not all at the same location and are connected by electronic means, through either audio or video or both. During a teleconferenced meeting, board members may discuss and vote on agenda items. However, the Act has strict requirements governing how teleconferenced meetings may occur:

- Agendas must be posted at all teleconferencing locations, all of which must be listed on the agenda;
- Members of the public must be allowed to attend any of the teleconferencing locations and to address the neighborhood council board directly at any of the locations;
- At least a quorum of the neighborhood council board must be located at one or more teleconferencing locations within the neighborhood council area;
- The neighborhood council must comply with all other provisions of the Brown Act.

**Notice and Agenda Requirements.**

**Regular Meetings.** The agenda for a regular meeting of a neighborhood council must be posted at least 72 hours (which may be calculated to include Saturdays and Sundays) before the meeting. The agenda must list all items that will be discussed or acted upon by your neighborhood council. That listing should be described in an informative way so that members of your council as well as members of the public understand the general nature of the agenda item and can make an informed decision whether to attend the meeting or not. The Brown Act provides that this description need not exceed 20 words, but you are certainly free to use more words if necessary. The goal of the description is to provide a reasonably clear understanding of what is to be considered by the board at its meeting. You may include general categories on your neighborhood council agendas, such as "General Announcements" or "Correspondence" or "Committee Reports."

However, if a committee of your neighborhood council plans on making a particular recommendation to the board, that report should be listed specifically with a reference to the committee's recommendation. The same would be true if your neighborhood council is making a recommendation about a particular project or issue that it wants to formally communicate to the City decision-makers. Those matters should be separately listed on the agenda with enough information to identify the project, such as the address, type of project, etc. Board members of the neighborhood council will be limited to acting on (as well as discussing) only those matters which have been listed on the agenda, with limited exceptions which are described below.

**Special Meetings.** The agenda for a special meeting (and the call and notice for it) must be posted, stating the time and place of the meeting, at least 24 hours prior to the special meeting and provided to each local newspaper, radio, or television stations that has requested in writing to be provided with these notices. Only matters that are on the agenda
for that meeting may be discussed at that meeting. Your bylaws should specify whether your neighborhood council may hold special meetings. The Brown Act provides that special meetings may be called by the presiding officer of your neighborhood council or by a majority of the board members by delivering written notice to each board member of the council.

**Emergency Meetings.** Emergency meetings may be called under certain specified circumstances defined in the Act without having to comply with either the 24-hour notice or posting requirements. In the unlikely event that a neighborhood council would have the need to call an emergency meeting, at least one-hour notice must be given to media outlets that request notice of any emergency meeting.

**Exceptions to the Agenda Requirement.** The general rule is that a matter may not be discussed or decided unless it is listed on the agenda. *This is very important*, but there are exceptions to this broad rule:

1. **Board Member Comments**

   board members may make very limited comments and *briefly* respond to statements made or questions posed by persons exercising their general public comment rights (no action may be taken on matters brought up during general public comment);

   board members may make a *brief* announcement or a *brief* report on his or her own activities; and board members may take action to direct their secretary (or whoever is in charge of placing items on the agenda) to place a specific matter on the agenda for a future meeting; *Note: It is preferable, if your neighborhood council wants to take board member comments, to have an item on your agenda called "Board Member Comments" as part of the agenda, even though the specific discussion under these parameters is not known in advance of the meeting.*

2. **Continuances**

   if an item was posted pursuant to the Act for a prior meeting of the neighborhood council occurring not more than five calendar days prior to the date action is taken on the item and the prior action had been continued to the meeting at which action is being taken, your neighborhood council may act on the matter even if it is not on the agenda. *Note: This situation is not likely to occur unless your council plans to hold weekly meetings;*

3. **Emergency Action**

   board members may take action if, by two-thirds votes of the neighborhood council board, it determines that there is a need to act immediately, that the neighborhood council's consideration of the matter cannot await the next meeting of the council and that the need for immediate action arose after the posting of the agenda. *This should only occur in very rare occasions, and you should consult with the Department of Neighborhood Empowerment or the City Attorney's Neighborhood Council Advice Division before relying on this exception. (Note: If an item does come up after the posting of the 72-hour agenda,
but before the meeting, you should consider whether you have time to notice a 24-hour special meeting that could follow your regular meeting and allow discussion only of that item.)

What Rights Do Members Of The Public Have At Neighborhood Council Meetings?

Except when closed sessions are permitted (see below), all meetings of your neighborhood council must be held in public. Members of the public, not just the stakeholders in your particular neighborhood council, are allowed to attend and participate by speaking about specific items on the agenda. Indeed, before your board takes action on any particular item on the agenda, members of the public have a right to testify or otherwise address the neighborhood council board members about each item.

Your agendas should also provide for an item designated "Public Comment" because the Act allows members of the public to comment on any item within the subject matter jurisdiction of your neighborhood council that is not specifically listed on the agenda. It is up to your neighborhood council where you want to put this item on the agenda. Some agencies put general public comment at the front of the agenda, while some place it at the end. It does not matter where you put it as long as you provide for that opportunity at every regular meeting of your neighborhood council. (Special meetings do not require a general public comment item; however, this does not mean that the public can be prohibited from speaking on the agendized items for the special meeting.) Your neighborhood council is allowed to adopt reasonable rules to govern the length of time for public comment on agenda and non-agenda items.

Members of the public also have a right to criticize the policies or practices of your neighborhood council during public comment and have a right to videotape and audiotape the proceedings. The Act does allow your neighborhood council to control disruptions and ask disruptive members to leave the meeting room. However, this power must be exercised with caution and the City Attorney should be consulted to discuss how and when this provision of the Act may be invoked. At no time should you engage in physical confrontations or force or attempt to physically remove a disruptive person.

Members of the public also have a right to see materials that are distributed to your neighborhood council at its meetings. The Act provides that materials distributed during a public meeting be made available for public inspection at the meeting if prepared by the local agency or member of the legislative body. This means that if your neighborhood council or, if applicable, staff at the Department of Neighborhood Empowerment, prepare materials for distribution at your meetings, copies must be made available for the public. Otherwise, if materials are distributed by other individuals, such as other stakeholders or members of the public, these must be retained and be made available after the meeting.

Will Committee Meetings Of Neighborhood Councils Be Subject To The Brown Act?

Committee meetings of your neighborhood council may also be subject to the notice and agenda requirements of the Act. Standing committees, which are committees that have a continuing jurisdiction over a particular subject matter, are subject to the Act, even if the
committee comprises less than a majority of board members or includes or is made up of only stakeholders from your neighborhood council. If your bylaws have created several standing committees, these will be subject to the provisions of the Act. In addition, interim boards that act on behalf of the neighborhood council after certification but prior to the initial election of the board are subject to the Act. Similarly, the committee that is drafting your initial election procedures is subject to the Act. Many neighborhood councils have not created an interim board, but have allowed the people who are listed on the original certification as "contact people" to be the liaisons with the Department, until a board is elected. The gathering of those individuals would not constitute a meeting of a legislative body unless they engage in making decisions on behalf of their neighborhood council. Ad hoc, or temporary committees, created by the board from among its members, numbering less than a majority, are normally not subject to the Brown Act. Generally, a temporary committee is designed to address a specific issue for a limited time. As long as the committee is made up of only less than a majority of your neighborhood council board members and the committee is of a temporary nature, the committee will not have to meet in public, nor comply with the other provisions of the Act. However, if you include any non-board member on a temporary committee, the Brown Act provisions will apply. Standing committees, and temporary committees that are subject to the provisions of the Act, do not need to establish a regular time and place for their meetings.

Are There Any Circumstances Where A Neighborhood Council Can Hold A Meeting That Is Closed To The Public?

It is not likely that there will be many circumstances which would allow your neighborhood council to discuss matters in closed session. The Act provides for very specific and limited circumstances under which a closed session may be held by a legislative body. The most likely circumstances, if at all, that would apply to a neighborhood council would be to discuss personnel matters or pending litigation.

**Personnel Matters.** The Act could allow your neighborhood council to meet in closed session to discuss the appointment, employment, evaluation of performance, discipline or dismissal of a public employee under limited circumstances.¹

**Pending Litigation.** A neighborhood council may be allowed to meet in closed session with attorneys from the Office of the City Attorney to discuss pending litigation to which the neighborhood council is or may be a party under certain specific circumstances:

- when litigation has been formally initiated;
- there is significant exposure or threat of litigation.

What you cannot do is use a closed session to discuss items because you might be uncomfortable discussing the item in public or because you want to confer with legal counsel. As such, the need for a closed session is unlikely to arise for a neighborhood council. Moreover, because these issues are complicated, before attempting to assert any

¹ The term "public employee" in the City of Los Angeles context would mean a City employee.
of the exceptions under the Act to hold a closed session, your neighborhood council should consult the City Attorney's Neighborhood Council Advice Division for advice.

May A Majority Of Neighborhood Council Board Members Attend Other Neighborhood Council Meetings Or Other Public Meetings Without Having To Notice That Attendance As A Meeting?

A majority of neighborhood council board members may attend meetings held by a person or organization as long as the board members do not discuss among themselves neighborhood council business. Similarly, a majority of a council's board may attend a meeting of another public body, including another neighborhood council meeting, City commission or City Council meeting without having to notice their attendance as a meeting, again, as long as the board members do not discuss among themselves neighborhood council business.

However, if a neighborhood council and another body or agency wishes to conduct a joint meeting, both the neighborhood council board and the other body or agency with which it wants to meet, will need to notice the meeting as a joint meeting of the two bodies.

A majority of council board members may attend meetings of its own committees without having to comply with the notice requirements for the board, as long as the board members attend only as observers. For example, if a majority of the board wanted to attend one of its standing committee's meetings, it may do so without having to comply with the Act. However, if any of the board members wish to participate by addressing the committee members, then the meeting would have to be noticed as both a meeting of the committee and the neighborhood council itself.

What Can Happen If A Neighborhood Council Board Member Violates The Brown Act?

*Criminal Penalty.* Violations of the Act can carry misdemeanor penalties for certain actions if a member of a neighborhood council board merely attends a meeting where action is taken in violation of the Act. However, a showing must be made that the member intended to deprive the public of information to which the member knows (or has reason to know) the public is entitled.

*Civil Remedy.* Violations of the Act may also result in a civil lawsuit being filed to seek judicial (injunctive or writ) relief to prevent or correct violations. Under certain circumstances, the court can declare a decision made in violation of the Act void. Before filing a civil action, a complaining party would have to first demand that your neighborhood council correct the violation. That demand must be made in writing within 90 days after the occurrence. In cases involving an alleged violation of the rules governing agendas, the written demand must be made within 30 days after the occurrence.

Interested In Learning More About The Brown Act?

For more information about the Brown Act, the Attorney General has an excellent pamphlet that discusses the Act, which can be accessed over the Internet at: [http://caag.state.ca.us](http://caag.state.ca.us), by scrolling down to the bottom of the page and clicking "Publications" and then scrolling
down to: "Open Meetings" then click on “The Brown Act.” With Adobe Acrobat Reader, it can be read on screen or printed. To request a copy by mail, simply call the Attorney General's Public Inquiry Unit at: (800) 952-5225.
Neighborhood Council Bylaws
Template Language

APRIL 2011
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Please note that the Table of Contents cannot be altered in any manner.

For sections that do not apply to the Neighborhood Council, e.g. internal boundaries, please state, “Not Applicable.”

For sections on which the Neighborhood Council chooses to be silent, e.g. removal, censure, please state, “Intentionally Left Blank.”

The Department of Neighborhood Empowerment highly recommends Neighborhood Councils address all the issues in the Bylaws Table of Contents in their bylaws with any necessary clarifications in standing rules.
ARTICLE I  NAME

The name of this Neighborhood Council shall be the [fill in name] Neighborhood Council (“Council”).

ARTICLE II  PURPOSE

Principles of Governance - The purpose of the Council is to participate as a body on issues concerning our neighborhood and regarding the governance of the City of Los Angeles (“City”) in a transparent, inclusive, collaborative, accountable and viable manner.

A. The MISSION of the Council is:

1. To provide an inclusive and open forum for public discussion of issues of interest to the Council, including City governance, the needs of the Council, the delivery of City services to the Council area, and other matters of a City wide nature;

2. To advise the City on issues of interest to the Council, including City governance, the needs of the Council, the delivery of City services to the Council area, and other matters of a City wide nature;

3. To initiate, execute and support projects for the physical, social and cultural improvement of the Council area; and

4. To facilitate communication between the City and Community Stakeholders on issues of concern to the community and/or the Stakeholders.

B. The POLICY of the Council is:

1. To respect the diversity, dignity, and expression of views of all individuals, groups, and organizations within the community and/or involved in the Council;

2. To remain non-partisan with respect to political party affiliation and inclusive in our operations including, but not limited to, the process of electing or selecting the Board of Directors, Officers, and committee members, as hereinafter set forth;

3. To utilize the Early Notification System (ENS) to inform the Council and Community Stakeholders of matters involving the City and our community in a way that is tailored to provide opportunities for involvement in the decision-making process;

4. To encourage all Stakeholders to participate in activities of the Council;
5. To prohibit discrimination against any individual or group in our operations on the basis of race, religion, color, creed, national origin, ancestry, sex, sexual orientation, age, disability, marital status, income, homeowner/renter status, or political affiliation; and

6. To have fair, open, and transparent procedures for the conduct of all Council business.

ARTICLE III   BOUNDARIES

The Council covers a geographic area described below.

Section 1: Boundary Description - The boundaries abut the boundaries of adjacent Neighborhood Councils and include those areas of the City within the following lines of demarcation:

A. North – [insert description] ;

B. East – [insert description] ;

C. South – [insert description] ; and

D. West – [insert description].

The boundaries of the Council are set forth in Attachment A - Map of [fill in name] Neighborhood Council.

Section 2: Internal Boundaries [insert description if applicable or if none, state “Not applicable.”]

ARTICLE IV   STAKEHOLDER

Neighborhood Council membership is open to all Stakeholders. “Stakeholders” shall be defined as those who live, 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. [this definition is from city ordinance and cannot be changed]
ARTICLE V  GOVERNING BOARD

The Board of Directors ("the Board") shall be the Governing Body of the Council within the meaning of that term as set forth in the Plan for a Citywide System of Neighborhood Councils ("the Plan").

Section 1: Composition - The Board shall consist of [insert number, e.g. fifteen (15)] Stakeholders elected, selected or appointed by the Board and/or Community Stakeholders. The composition of the Board shall be as follows:

[sample]

A. Homeowner Stakeholder Board Members (3) – Open to Stakeholders eighteen (18) years of age or older who owns a residence is located within the NC boundaries.

B. Renter Stakeholder Board Members (3) – Open to Stakeholders eighteen (18) years of age or older who rent a residence located within the NC boundaries.

C. Business Stakeholder Board Members (2) – Open to Stakeholders eighteen (18) years of age or older who work or own a business or business property within the NC boundaries.

D. Organizational Stakeholder Board Members (2) – Open to Stakeholders eighteen (18) years of age or older who participate in a religious institution, educational institution, community organization, non-profit organization, neighborhood association, school/parent group, faith based group, senior group, youth group, arts association, service organization, boys or girls club, cultural group, or environmental group within the NC boundaries.

E. Senior Stakeholder Board Member (1) – Open to Stakeholders sixty-five (65) years of age or older.

F. Youth Board Member (1) – Open to Stakeholders between the ages of sixteen (16) and twenty-five (25). If less than eighteen (18) years of age, the Youth Board member shall be precluded from voting on matters regarding the expenditure of funds, contracts, or recommendations to enter into contracts.
G. **At-Large Stakeholder Board Members (3)** – Open to Stakeholders at least eighteen (18) years of age.

No single Stakeholder group shall hold a majority of Board seats unless extenuating circumstances exist and are approved by the Department of Neighborhood Empowerment ("Department"). [*per the Plan*]

**Section 2: Quorum** - The quorum shall be [insert number] members of the Board. No floating quorums are allowed.

**Section 3: Official Actions** - A simple majority vote by the Board members present, [select one] □ not including abstentions OR □ including abstentions, at a meeting at which there is a quorum shall be required to take official action, unless specified otherwise in these Bylaws.

**Section 4: Terms and Term Limits** - Board members shall serve a: [select one] □ two (2) OR □ four (4) year OR □ *four year staggered term* commencing after being seated. There are: □ no term limits. OR □ Beginning in 2010, Board members may only serve [insert number] consecutive years on the Council Board.

*Description of Staggered terms.*

**Section 5: Duties and Powers** - The primary duties of the Board shall be to govern the Council and to carry out its objectives. No individual member of the Board shall speak for the Board or otherwise publicly represent a Board position unless authorized to do so by official action of the Board. The Board may, by official action, delegate to any individual the authority to present before any public body a standing Council position previously adopted by the Board or a statement that the Council has had insufficient time to develop a position or recommendation on a matter before that body. Such authority may be revoked at any time by the Board.

**Section 6: Vacancies** – Vacancies on the Board shall be filled using the following procedure:

[select one]

□ Board Fills Vacancies

A. Any Stakeholder interested in filling a vacancy on the Board shall submit a written application to the Board.
B. The Board shall cause the matter to be placed on the agenda for the next regular meeting of the Board.

C. The Board shall vote on the application at the meeting. If multiple applications for one seat have been submitted, the candidate with the most votes wins.

D. The candidate who wins shall fill the remaining term of the Board seat unless an election or selection occurs sooner.

E. In no event shall a vacant seat be filled where a general election is scheduled to occur within sixty (60) days of the date that a written application is presented to the Board.

President Fills Vacancies

A vacancy on the Board shall be filled by a Stakeholder who satisfies the eligibility requirements for holding the vacated Board seat. The President shall have the discretion to appoint the vacancy from any applicants or among any other qualified Stakeholders at any time at a public meeting. The appointed applicant's term shall be limited to the term for the vacated seat.

President Fills Vacancies with Board Approval

A vacancy on the Board shall be filled by a Stakeholder who satisfies the eligibility requirements for holding the vacated Board seat. The President shall have the discretion to appoint the vacancy from any applicants or among any other qualified Stakeholders at any time, subject to a majority vote of the Board at a public meeting. The appointed applicant's term shall be limited to the term for the vacated seat.

Section 7: Absences

- Any Board Member who misses \[\text{insert number}\] regularly scheduled consecutive Neighborhood Council Governing Board Meetings or, optionally, \[\text{insert number}\] total Governing Board Meetings during any twelve (12) month period will be automatically removed from the Board. Each Council Board Member absence shall be recorded in the Council's Meeting Minutes or other manner of Council record keeping, and that, upon missing the required number of Board Meetings for removal, \[\text{select one}\] \(\square\) the Council Presiding Officer shall notify the Board Member and provide notice to that Board Member that their seat has been declared vacant. OR \(\square\) the Council Presiding Officer shall notify the Board Member of the absences and place on the agenda the removal of the Board Member at a regular or special Board meeting whereupon the Board shall determine
the validity of the absences before taking action to remove the Board Member. Any meeting of the Neighborhood Council Governing Board, scheduled and noticed as per the Brown Act, shall constitute a meeting for the purpose of determining Board Member attendance.

Section 8: Censure - The Council can take action to publically reprimand a Board member for actions conducted in the course of Council business by censuring the Board member at a Council Board meeting. Censures shall be placed on the agenda for discussion and action.

Section 9: Removal of Governing Board Members – The Council shall consult with the Office of the City Attorney throughout any Board removal process. Board members may be removed in the following ways:

A. Petition by Stakeholders – A Board member may be removed from office by the submission of a written petition to the Secretary, which includes: i) the identity of the Board member to be removed, ii) a description, in detail, of the reason for removal, and iii) the valid signatures of Stakeholders.

1. Upon receipt of a written petition for removal, the Secretary shall cause the matter to be placed on the agenda for a vote of the Board at the next regular Council meeting.

2. Removal of the identified Board member requires a majority of the attending Board members (default) OR a two-thirds (2/3) majority of the attending Board Members.

3. The Board Member who is the subject of the removal action shall have the right to deliver to Board Members a written statement about the matter and/or to speak at the Board Meeting prior to the vote, but shall not be counted as part of the quorum, nor allowed to vote on the matter.

B. Petition by Board - A Board Member may be removed from the Board for good cause, including, but not limited to, disruptive conduct; interfering with Council business; violations of the Bylaws, Operating Procedures or Code of Conduct following a Board Member’s submission to the Board of a petition which includes: i)
the identity of the Board Member to be removed, ii) states the reason for removal by identifying the violation of the internal rules or procedures and specifies the conduct of the person, and iii) contains the signatures of at least [select one] □ three (3) OR □ [insert number] Board members.

1. The petition shall be delivered simultaneously to all Board Members and the matter placed on the agenda and scheduled for a vote at the next regular Board Meeting.

2. Removal of the identified Board member requires a [select one] □ two-thirds (2/3) majority OR □ majority of the attending Board Members.

3. The Board Member who is the subject of the removal action shall have the right to deliver to Board Members a written statement about the matter and/or to speak at the Board Meeting prior to the vote, but shall not be counted as part of the quorum, nor allowed to vote on the matter.

4. The Board member being removed must first have been censured by the Board once for the same action before a Petition by the Board for removal shall be considered by the Council.

If the vote for removal is affirmative, the position shall be deemed vacant and filled via the Council’s vacancy clause.

Section 10: Resignation - A Board member may resign from the Council, and the position shall then be deemed vacant. Any member of the Board who ceases to be a Stakeholder is required to submit his or her resignation to the Board for discussion and action at a Board meeting. Removal of the Board member requires a [select one] □ two-thirds (2/3) majority of the attending Board members OR □ majority of the attending Board Members.

Section 11: Community Outreach - The Council shall direct that a system of outreach be instituted to inform Stakeholders as to the existence and activities of the Council, including its Board elections, to find future leaders of the Council, and to encourage all Stakeholders to seek leadership positions within the Council.
[Additional Outreach Options]

☐ The Council shall have a standing Outreach Committee, which will report its activities and recommendations to the Board monthly at the regular Council meeting.

☐ The Council shall maintain a web site presence to disseminate information to Council Stakeholders and others interested in the Council.

☐ In addition, the Board shall create, or shall cause to be created, a marketing plan to solicit participation from Stakeholders. The plan may include, for example, the creation of flyers, postcards, pamphlets and other related materials. It may also include e-mail blasts to various organizations including a regularly scheduled e-blast to local government officials and to the Chamber of Commerce, Neighborhood Watch, Home Owners’ Association and other local organizations as determined by the Board.

☐ Outreach also should be undertaken at public events and shall be coordinated with other Neighborhood Councils when appropriate.

ARTICLE VI OFFICERS

Section 1: Officers of the Board - The officers of the Board ("Officers") shall include the following positions which all together comprise the Executive Committee: President, Vice President, Secretary, and Treasurer.

Section 2: Duties and Powers - The duties of the Officers are as follows and also include such additional duties as may be adopted by official action of the Board:

A. The President shall act as the chief executive of the Council and shall preside at all Council meetings.

B. The Vice President shall serve in place of the President if the President is unable to serve.
C. The Secretary shall keep minutes of all Board meetings. An Alternate Secretary may be appointed by the Board to serve in the absence of the Secretary, as needed. Unless the person serving as Alternate Secretary is already a Board member, he or she shall not have any of the rights of a Board member, including the right to vote on matters before the Council.

D. The Treasurer shall maintain the records of the Council's finances and books of accounts and perform other duties in accordance with the Council's Financial Management Plan and the Department’s policies and procedures.

Section 3: Selection of Officers -

[select one]

☐ Officer positions shall be filled □ annually OR □ every [number] years at the first official Board meeting following their election or selection in Board election years, and at the subsequent [insert number] year anniversary mark of the Officers' election in Board non-election years.

OR

☐ Officer positions are elected during the elections of the Council.

Section 4: Officer Terms - The Officers shall serve [insert number] year terms and serve at the pleasure of the Board. They may stand for reelection □ annually OR □ every [insert number] years.

ARTICLE VII COMMITTEES AND THEIR DUTIES

All Standing and Ad Hoc Committees shall be established by the Board. Suggestions for committees may come from Stakeholders or from members of the Board, and all such suggestions shall be voted upon by the Board.

Section 1: Standing Committees – The Standing Committees of the Council are: [insert committees such as: The Executive Committee, the Budget and Finance Committee, The Outreach and Communications Committee, The Planning and Land Use Committee, The Elections Committee, the Community Activities and Projects Committee, the Bylaws and Procedures Committee, and the Public Safety Committee.]
Section 2: Ad Hoc Committees – The Board may create Ad Hoc Committees as needed to deal with temporary issues.

Section 3: Committee Creation and Authorization

[can be in standing rules instead of bylaws]

  A. Committee Authority - All committee recommendations shall be brought back to the full Board for discussion and action.

  B. Committee Structure – With the exception of the Executive Committee, Committee members shall be appointed by the President and ratified by the Board. Standing Committees shall be comprised of at least two (2) Board members and may include any interested Stakeholders. Ad Hoc Committees shall be comprised of \[insert number that is less than a majority of quorum\] or less Board members and may include any interested Stakeholders.

  C. Committee Appointment – All Committee Chairs shall be appointed by the [select one] □ President and confirmed by the Board OR □ by the Board. [optional language - Only those Committee members who are Board members are eligible to serve as Chairman of a committee.] The Chairs shall keep a written record of Committee meetings and shall provide regular reports on Committee matters to the Board.

  D. Committee Meetings – Committee meetings are subject to and shall be conducted in accordance with the dictates of the Brown Act. Minutes shall be taken at every Committee meeting.

  E. Changes to Committees - The Board may establish, disband or make changes as needed to any Standing or Ad Hoc committee. Any such action by the Board shall be noted in the Council meeting minutes.

  F. Removal of Committee Members – Committee members may be removed in the same manner in which they were appointed.

ARTICLE VIII MEETINGS

All meetings, as defined by the Ralph M. Brown Act \(California Government Code Section 54950.5 et seq\), shall be noticed and conducted in accordance with the Act and all other applicable laws and governmental policy.

Section 1: Meeting Time and Place - All meetings shall be held within the Council boundaries at a location, date and time set by the Board. A calendar of regular meetings shall be established by the Board at its first regular meeting of each calendar year.
A. **Regular Meetings** - Regular Council meetings shall be held at least once per quarter and may be held more frequently as determined by the Board. Prior to any action by the Board, there shall be a period of public comment. The Board shall determine the length and format of the period as appropriate.

B. **Special Meetings** – The President or a majority of the Board shall be allowed to call a Special Council Meeting as needed.

**Section 2: Agenda Setting** –

[select one]

- □ The Executive Committee shall set the agenda for each Council meeting.

OR

- □ The President shall set the agenda for each Council meeting.

AND can also include a stakeholder option, such as:

Any Stakeholder may make a proposal for action by the Council by submitting a written request to the Secretary or during the public comment period of a regular Council meeting. The Secretary shall promptly refer the proposal to a Standing Committee or, at the next regular Council meeting, the Board shall either consider the proposal or create an Ad Hoc Committee to consider the proposal. The Council is required to consider the proposal at a Committee or Board meeting, but is not required to take further action on the proposal. Proposals made under the this subsection are subject to the rules regarding reconsideration.

**Section 3: Notifications/Postings** – Notice of a regular meeting shall be a minimum of three (3) days (72 hours) in advance of the meeting and at least one (1) day (24 hours) in advance of a special meeting. At a minimum, notice shall be posted at the Council’s five (5) Public Notice Locations specified on the Posting Location Form filed with the Department,
on its website (if applicable) and emailed out to Stakeholders if the Council maintains such a database. Regular and Special meeting agendas shall also be emailed to the Department.

Section 4: Reconsideration

[select one]

☐ The Board may reconsider or amend its actions through a Motion for Reconsideration process defined in its standing rules.

OR

☐ The Board may reconsider or amend its actions through the following Motion for Reconsideration process:

a. Before the Board reconiders any matter, the Board must approve a Motion for Reconsideration. The Motion for Reconsideration must be approved by official action of the Board. After determining that an action should be reconsidered, the Board has the authority to re-hear, continue, or take action on the item that is the subject of reconsideration within any limitations that are stated in the Motion for Reconsideration.

b. The Motion for Reconsideration must be brought, and the Board's approval of a Motion for Reconsideration must occur, either during the same meeting where the Board initially acted or during the Board's next regularly scheduled meeting that follows the meeting where the action subject to reconsideration occurred. The Council may also convene a special meeting within these specified time frames to address a Motion for Reconsideration.

c. A Motion for Reconsideration may be proposed only by a member of the Board that previously voted on the prevailing side of the original action that was taken by the Board (the "Moving Board Member").

d. The Moving Board Member may make the Motion for Reconsideration orally
during the same meeting where the action that is the subject of reconsideration occurred, or by properly placing the Motion for Reconsideration on the agenda of a meeting that occurs within the allowed specified periods of time as stated above.

e. In order to properly place the Motion for Reconsideration on the agenda of the subsequent meeting, the Moving Board Member shall submit a memorandum to the Secretary at least two (2) days in advance of the deadline for posting notices for the meeting. The memorandum must briefly state the reason(s) for requesting the reconsideration, and provide the Secretary with an adequate description of the matter(s) to be re-heard and the proposed action that may be adopted by the Board if the Motion for Reconsideration is approved.

f. A Motion for Reconsideration that is properly brought before the Board may be seconded by any member of the Board.

g. This reconsideration process shall be conducted at all times in accordance with the Brown Act.

ARTICLE IX  FINANCES

[there should be no mention of checking accounts or petty cash in this article]

A. The Board shall review its fiscal budget and make adjustments as needed to comply with City laws and City administrative rules, and to keep in compliance with Generally Accepted Accounting Principles and the City’s mandate for the use of standardized budget and minimum finding allocation requirements.

B. The Board shall adhere to all rules and regulations promulgated by appropriate City officials regarding the Council’s finances, where the term “appropriate City officials” means those officials and/or agencies of the City of Los Angeles who have authority over Neighborhood Councils.

C. All financial accounts and records shall be available for public inspection and posted on the Council website, if available.
D. Each month, the Treasurer shall provide to the Board detailed reports of the Council’s accounts.

E. At least once each quarter, the President and at least one (1) other individual other than the Treasurer, who is designated by the Board, shall examine the Council’s accounts and attest to their accuracy before submitting the documentation to the Department for further review.

F. The Council will not enter into any contracts or agreements except through the Department.

ARTICLE X  ELECTIONS

Section 1: Administration of Election - The Neighborhood Council's election will be conducted pursuant to any and all City ordinances, policies and procedures pertaining to Neighborhood Council elections.

Section 2: Governing Board Structure and Voting - The number of Board seats, the eligibility requirements for holding any specific Board seats, and which Stakeholders may vote for the Board seats are noted in Attachment B.

Section 3: Minimum Voting Age - All Community Stakeholders aged [insert the desired age which must be at least twelve (12) years old under the City Clerk’s proposed rules] and above shall be entitled to vote in the Neighborhood Council Elections.

Section 4: Method of Verifying Stakeholder Status

[select one]

□ Voters will verify their Stakeholder status through written self-affirmation. Stakeholder status may also be established by means of declaring a stake (or interest) in the neighborhood and providing the facts to support that declaration.

OR

□ Voters will verify their Stakeholder status by providing acceptable documentation. Stakeholder status may also be established by means of declaring a stake (or interest) in the neighborhood and providing documentation supporting that declaration.

Section 5: Restrictions on Candidates Running for Multiple Seats
[select one]

☐ A candidate shall declare their candidacy for no more than one (1) position on the Council Board during a single election cycle.

OR

☐ A candidate may declare their candidacy for more than one (1) position on the Council Board during a single election cycle.

If a candidate seeking multiple Board positions on the Council is declared the winning candidate for more than one of those positions, the candidate will be required to vacate all except one (1) Board position within no more than three (3) days from the day the elections are certified or from the day when any and all election recounts and challenges are resolved, whichever date is later. These vacated positions shall be filled with the remaining candidate who received the most votes, or if none, via the vacancy clause. Where the candidate does not vacate all except one (1) Board position by the deadline, the candidate will be stripped of all positions except for the position where the candidate received the most votes.

Section 6: Other Election Related Language [insert any other election related language or if none, state “Not Applicable.”]

ARTICLE XI GRIEVANCE PROCESS

[sample]

A. Any grievance by a Stakeholder must be submitted in writing to the Board who shall cause the matter to be placed on the agenda for the next regular Council meeting.

B. At that meeting, the Board shall refer the matter to an Ad Hoc Grievance Panel comprised of three (3) Stakeholders randomly selected by the Board from a list of Stakeholders who have expressed an interest in serving from time-to-time on such a panel.

C. Within two (2) weeks of the panel’s selection, the Board shall coordinate a time and place for the panel to meet with the person(s) submitting a grievance to discuss ways in which the dispute may be resolved.
D. Within two (2) weeks following such meeting, a member of the panel shall prepare a
written report to be forwarded by the Secretary to the Board outlining the panel's collective
recommendations for resolving the grievance. The Board may receive a copy of the panel's
report and recommendations prior to a Board meeting, but, in accordance with the Brown
Act, the matter shall not be discussed among the Board members until it is heard publicly at
the next regular Council meeting.

E. This grievance process is intended to address matters involving procedural disputes,
such as the Board's failure to comply with Board Rules or these Bylaws. It is not intended to
apply to Stakeholders who merely disagree with a position or action taken by the Board at
one of its meetings, which grievances may be aired publicly at Council meetings.

F. Board members are not permitted to file a grievance against another Board member or
against the Council.

ARTICLE XII   PARLIAMENTARY AUTHORITY

The Council shall use the: [select one]

☐ Council rules of order when conducting Council meetings as set forth in its standing rules.

OR

☐ Rosenberg’s rules of order when conducting Council meetings. If Rosenberg’s rules of
order are silent on an issue, the Council shall refer to Robert’s rules of order.

OR

☐ Robert’s rules of order when conducting Council meetings.

Additional rules and/or policies and procedures regarding the conduct of the Board and/or
Council meetings may be developed and adopted by the Board.

ARTICLE XIII   AMENDMENTS

Page 66 of 125
A. Any Board member may propose an amendment to these Bylaws by requesting that the Secretary place the item on the agenda.

B. Any Stakeholder may propose an amendment to these Bylaws during the public comment period of a regular Council meeting.

C. Any proposal to amend the Bylaws shall be formalized in writing and noticed on the agenda for public discussion and Board vote at the next regular Council meeting.

D. An amendment to these bylaws requires a [select one] □ two-thirds OR □ simple majority vote of the Board members present at a duly noticed general or special meeting. All changes shall then be forwarded to the Department for review and approval.

E. Amendments shall not be valid, final or effective until approved by the Department. Once approved, any changes in the Bylaws shall become effective immediately.

[Other Amendment Option]

Any Board member or Stakeholder may propose an amend to these Bylaws. The Board shall forward all proposals to a Bylaws Committee to review and to provide recommendations to the Board.

ARTICLE XIV   COMPLIANCE

The Council, its representatives, and all Community Stakeholders shall comply with these Bylaws and with any additional Standing Rules or Procedures as may be adopted by the Board of Directors as well as all local, county, state and federal laws, including, without limitation, the Plan for Citywide System of Government (hereinafter referred to as “the Plan”), the City Code of Conduct, the City Governmental Ethics Ordinance (Los Angeles Municipal Code Section 49.5.1), the Brown Act (California Government Code Section 54950.5 et seq.), the Public Records Act, the American Disabilities Act, and all laws and governmental policies pertaining to Conflicts of Interest.
Section 1: Code of Civility – The Council, its representatives, and all Community Stakeholders shall conduct all Council business in a civil, professional and respectful manner.

Section 2: Training – All Board members shall take training in the fundamentals of Neighborhood Council, including, but not limited to, ethics, funding, workplace violence and sexual harassment trainings provided by the City within forty-five (45) days of being seated, or they will lose their Council voting rights.

Section 3: Self Assessment – Every year, the Council shall conduct a self assessment pursuant to Article VI, Section 1 of the Plan.

ATTACHMENT A [NSNC Example]
## ATTACHMENT B

<table>
<thead>
<tr>
<th>BOARD POSITION</th>
<th>Elected or Appointed?</th>
<th>Eligibility to Run for the Seat</th>
<th>Eligibility to Vote for the Seat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>President</strong></td>
<td>Elected</td>
<td>Stakeholder</td>
<td>Community Stakeholder who is 13 years of age at the time of the election.</td>
</tr>
<tr>
<td><strong>Community-Based Organization Representative</strong></td>
<td>Elected</td>
<td>Stakeholder who is at least 18 years of age at the time of the election, who is a member of a community based organization or a faith-based group.</td>
<td>Stakeholder who is 16 years of age.</td>
</tr>
<tr>
<td><strong>At-large Representative</strong></td>
<td>Elected</td>
<td>Any Stakeholder who is at least 18 years of age at the time of the election.</td>
<td>Any Stakeholder who is at least 18 years of age at the time of the election.</td>
</tr>
<tr>
<td><strong>Homeowner Representative Area 3</strong></td>
<td>Elected</td>
<td>Stakeholder who is 16 years of age or older who lives within Area 3 of the council boundaries, and owns and occupies their place of residence whether single- or multi-family.</td>
<td>Homeowner Stakeholder who is 16 years of age or older who lives within Area 3. Must live and own place of residence.</td>
</tr>
<tr>
<td><strong>Sub-Area Representative At-large Stakeholder Seat</strong></td>
<td>Elected</td>
<td>Stakeholder who may be a resident of the Sub-area or any other Stakeholder category group in the Sub-area.</td>
<td>Community Stakeholder who is 13 at the time of the election.</td>
</tr>
<tr>
<td><strong>Community Director</strong></td>
<td>Elected</td>
<td>Stakeholder older than 18 years who lives, works, or owns property or those who declare a stake in the neighborhood and affirm the factual basis for it.</td>
<td>Stakeholder who lives, works, or owns property in the neighborhood and also those who declare a stake in the neighborhood and affirm the factual basis for it.</td>
</tr>
</tbody>
</table>

[Below find sample language for Stakeholder eligibility to run and vote for positions. Where the Stakeholder eligibility for the seat has not been defined, the default eligibility to establish candidacy for the position would be the Neighborhood Council’s Stakeholder definition.

[Below find sample language for candidacy and voter eligibility in districts.]

[Below find sample language for candidacy and voter eligibility for the factual basis position.]
PARLIAMENTARY PROCEDURE
PARLIAMENTARY PROCEDURE

Why Do We Have To Use Parliamentary Procedure?

Members and leaders must know parliamentary procedure so they will know how to act in meetings. Many members consider knowledge of parliamentary procedure a requirement of the presiding officer alone. However, the more members who are familiar with correct meeting procedures the more smoothly a meeting can be conducted. As an example: If you were on a baseball team and didn't know the rules, how could you play?

What Is Parliamentary Procedure?

Parliamentary Procedure is a set of rules for meetings. Rules are needed for meetings just as members of a club, pack, troop, or any other organization has rules to make decisions.

What Is Parliamentary Procedure Used For?

The object of parliamentary law is to expedite the business of an assembly in an orderly manner and to protect the rights of the members. To assist the Chairperson there is a gavel. The gavel is used to call the meeting to order (one rap), to obtain attention, and to adjourn (one rap).

PRINCIPLES

The underlying principles of parliamentary procedure are:

- **Order**: consider one thing at a time.
- **Equality**: all are equal before the law or rule.
- **Justice**: showing courtesy to all, partiality to none.
- **Right of the minority**: dissenting views must be heard.
- **Will of the majority**: the majority must rule.

PURPOSE OR OBJECTIVE

Parliamentary rules are actually the "rules" of the game for democracy and evolved through centuries of experience.

The purpose of Parliamentary rules is:

1) To expedite business,
2) To maintain order,
3) To ensure justice,
4) To provide equal treatment for all members,
5) To help an organization to accomplish the purpose for which it was formed, and
6) To help the progress of a meeting.

No one has the right to do anything during the meeting that prevents others from seeing or hearing the presiding officer or speaker.
No one has the right to converse, move about or stand except to address the presiding officer.

- No member may pass between the Chairperson and the member who is speaking.
- When several members rise to claim the floor simultaneously, the Chairperson recognizes one; the others should be seated immediately.
- Anyone who stands waiting until a speaker finishes is out of order.
- Therefore, this individual is not automatically entitled to the floor, should someone else rise and be the first to address the chair.
- When two members address the Chairperson simultaneously, the Chairperson recognizes one and then calls upon the other as soon as possible.
- Questions from one member to another are addressed through the Chair rather than to one another.

**PROCESSING A MOTION**

It is the responsibility of every member to have a basic knowledge of proper procedure to assist the Chairperson in achieving the will of the assembly.

**Definition of A Motion:** a formal proposal upon which certain action can be taken. A motion is the means by which all business is introduced in an assembly.

**Process of A Motion:** a main motion introduces Business.

Eight steps are necessary to obtain action on a main motion. Two steps involve obtaining the floor - securing the right to speak. Six steps involve actual handling of the main motion.

A. The Member

1. **Rises, Addresses the Chairperson** ("Madam President, Mr.President, Chairperson…")
2. **Awaits Recognition**
3. **Makes Motion** ("I move that ... I move to... I move we...")
4. **A Second;** Means that another member interested in this motion agrees to vote on the motion.

B. Chairperson

1. **Restates the Question** ("The Motion is now in order, debatable, and amendable...")
2. **Asks (or Calls) for the Question** ("Are you ready for the question? The debate has ended and it is time to vote.")
3. **Takes the Vote** (Puts the Question "All those in favor of '...states motion', say Aye." “Those opposed, say No.”)
4. **Announces the Vote of the prevailing side** ("The Ayes have it, motion carried and we will..." "The Nos have it, motion is lost.")
5. The Chairperson then states: "The next item of business is..."
RULES OF DEBATE
A. It is the responsibility of the Chairperson or the Board’s designee to enforce the rules.
B. Debate must be limited to the merits of the immediately pending question
C. The maker of a debatable motion is always entitled to the floor first for the purpose of debate as soon as the Chairperson states the question of the makers’ motion.
D. Speakers must address their remarks to the Chairperson, be courteous, and avoid personal conflicts.
E. The maker of a motion may not speak against it, but can vote against it.
F. Each member has the right to speak twice on the same question (motion) on the same day (except Appeal of the Chair), but cannot make a second speech on the same question as long as any member who has not spoken on that question desires the floor.
G. No one can speak longer than ten minutes at a time without permission of the assembly. (if bylaws or standing rules allow a different timeframe, abide by them.)
H. If a member who has the floor for debate allows another member to make an explanation, the time is charged to the one who has the floor.
I. Calling out the "Question" does not stop debate. One must "Move the Previous Question" or "Move to stop debate." (A 2/3 vote is required for adoption.)

MOTION TO AMEND
Definition: The motion to Amend is a motion to change the wording, and within certain limits, the meaning of a pending motion before it is acted upon. It requires a second, is debatable, and requires only a majority vote.
A. An amendment must be germane (pertaining to the subject at hand), closely related to, or in some way involves the question raised by the motion to which it is applied. An amendment cannot introduce a new subject.
B. There are two types of amendments:
   1. A primary amendment is an amendment to the main motion.
   2. A secondary amendment is an amendment to the primary amendment.
   3. An amendment to the third degree is not permitted.
C. Only one primary amendment and one secondary amendment are permitted at a time, but any number of each be offered in succession, provided they do not again raise a question already decided.
D. There are four (4) basic processes of an amendment ("I move that we buy a coin box."). They are inserting, adding, striking out and substituting. For example:
   1. "I move to amend the motion by inserting the word ‘silver’ before the word ‘box’.
   2. "I move to amend the motion by adding, “at a cost not to exceed $10.00’.”
   3. "I move to amend the motion by striking out, ‘silver’. "I move to amend the motion by striking out ‘silver’ and inserting ‘blue’.
   4. "I move to amend the motion by substituting the following: ‘that we buy a used coin box and a small filing cabinet’."
SAMPLE MEETING AGENDA

Call to Order
The presiding officer (Chairperson) stand quietly for a few seconds, taps the gavel once, waits a moment, then says: "The regular meeting of the _________ will come to order."

OPENING CEREMONIES
The call to order may be followed by a religious or patriotic exercise, or by other opening ceremonies: "Please rise." Pause

• "The invocation will be given by __________. Please remain standing for the Pledge of Allegiance to the Flag of the United States of America, led by __________.
• (Invocation and Grace are given before the Pledge of Allegiance, and the inspiration is after the pledge.)

WELCOME AND INTRODUCTIONS
The Chairperson welcomes members and guests, introduces guests at the head table, and may introduce those of rank in the audience.

ROLL CALL - QUORUM
The secretary may do this. If taken orally, the names are usually recorded in the minutes. The Chairperson announces that a quorum is present.

MINUTES
The Secretary will read the minutes of the previous meeting. (Sits while the report is given.)
• Are there any corrections? (Pause)
• If not, they are approved as read.
• If there are corrections:
  ⇒ Are there further corrections? Pause (if so, continue to let them be known.)
• If not, the minutes are approved as corrected.

Correspondence
The secretary may read official correspondence, first stating from whom it was received, and if possible, condensing the information.

Treasurer's Report
• "May we have the treasurer's financial report?" (Sits while the report is given.)
• "Are there any questions? (Questions are directed through the chair to the treasurer.
• "The report will be placed on file."
"Are there any bills?" (The treasurer reads the bills and may move that they be paid, or any member may make the motion. A second is required.)

Other Reports
The Chairperson sits while reports are given. The Chairperson stands while putting any question to a vote.

**Officers**
If an officer makes a recommendation in the report, the officer should not move that it be adopted; another member should make the motion.

**Standing Committees**
The Chairperson checks in advance and calls on, in the order listed in the bylaws, only those who have reports to make. The Chairperson, or reporting members, moves the adoption of motion or resolutions to implement recommendations of the committee. No second is required, unless it is a committee of one.

**Special Committees**
Only those prepared, or instructed, to report should be called on (in order of their appointment). Some reports are given for information only. If there are recommendations, the same procedure is used as that of a standing committee.

**Unfinished Business**
The Chairperson always announces the next business in order.
- New business is now in order.
- Is there any new business?

**Announcements**
The Chairperson makes his announcements first, and then asks for other announcements.

**Closing and Adjournment**
An invitation may be extended to guests to return; a closing thought may be given. The meeting may be adjourned by general consent, or by a motion and vote of the assembly.
- "Is there any further business to come before the assembly? ...
Pause...
- "Hearing none the meeting will be adjourned ... Pause...
MEETING SCRIPT

Ladies and Gentlemen welcome to our Neighborhood Council meeting. Today is [state the date, eg., Monday, August 2, 2004]. My name is _____ and I am the President of our Neighborhood Council’s board. Our board is a representative body that is elected by area stakeholders [state when, eg., every January] and if you would like more information or to become more involved with our Neighborhood Council, please meet with me after tonight’s meeting.

During tonight’s meeting, we will be discussing the items that are listed on the meeting’s agenda. There are copies of the agenda for your use [state the location, e.g., on the table at the back of the room].

The agenda contains a list of the items that we will be discussing during tonight’s meeting. We will proceed with each agenda item in numerical order. {alternative example: I have received a request to take item number 4 on the agenda out of order and the board will hear that item first, and then proceed in numerical order with the remaining items on the agenda}

Before we make a decision on any item, the public is provided with the opportunity to provide its comment on the item that we are considering. If you have a general comment on an item that is not listed on the agenda then you may provide us with your comment during the “Public Comments” portion of the meeting. Please understand that there are certain laws that apply to Neighborhood Councils that limit our discussion to the items that have been listed on the agenda. These laws limit the actions that we may take during tonight’s meeting, thus, we may be legally prohibited from acting on a concern that you expressed. However, please note that your concern may become the topic of discussion at a future meeting before our Neighborhood Council after we have had the chance to list the item on the agenda.

In order for you to speak and be heard on any agenda item, you will be called by me when it is your turn to speak. In order for me to know that you want to speak, please fill out a “Speaker Card.” Copies of the Speaker Cards are located on the table at the back of the room. After you fill out the card, please hand it to Mr/Mrs____ who is seated at the far right of this table.

When a person is speaking, they are entitled to courtesy and respect. There should not be any other discussion occurring in the room. If you want to chat with your neighbor, then please take that discussion outside while our meeting is in session. We will treat one another with respect during this meeting. That means we act with civility and decorum. We do not “boo” or hiss when disagreeing with someone’s point of view. Any competing viewpoints may be articulated without the need for inappropriate or uncivil actions.

Last, please turn off your cell phones and pagers.
CODE OF CIVILITY

Collectively and individually, the members of the Board of Directors of the ___________ Neighborhood Council agree to abide by a Code of Civility to ensure that our Neighborhood Council’s business is conducted in a respectful and courteous manner, and in a way that will generate respect and credibility for our Neighborhood Council.

The freedom to express one’s views about public matters is a cornerstone of the democratic process. The __________ Neighborhood Council welcomes the diverse views and opinions of our other board members and stakeholders as they relate to the issues before us. In order for these discussions to be meaningful and effective, we must treat others with respect and dignity.

By adoption of this motion, and by affixing our signatures to this document, we collectively and individually agree to abide by our Code of Civility to the best of our abilities.

1. I will conduct myself in a professional and civil manner at all times as a representative of the ___________ Neighborhood Council, including treating each member of the board and members of the public with respect at all times.

2. Even in the face of disagreement or differences of opinion, I will demonstrate esteem and deference for my colleagues and the public. During Neighborhood Council meetings, functions, or events I will not engage in or threaten to engage in any verbal or physical attack on any other individual. I will not use language that is abusive, threatening, obscene, or slanderous, including using profanities, insults, or other disparaging remarks or gestures. I believe that derogatory language about an individual's ethnicity, race, sexuality, age, disability, or religion is not acceptable.

3. I will promote and enforce a safe meeting environment at all times. At moments when members of the public become disruptive and violate the rules of civility that we have pledged to follow, I will join my fellow board members in demanding that the
persons conduct themselves in a respectful and orderly manner even if I agree with the point of view that is being expressed.

3. I will commit to communicate my ideas and points of view clearly, and allow others to do the same without interruption. I pledge to truly listen to and hear other points of view. I will practice the art of being able to disagree without being disagreeable.

4. I will take responsibility for my own actions, and will work to fulfill my role and responsibilities as specified in the bylaws

5. I will commit to learn the applicable laws that govern Neighborhood Councils, including bylaws, standing rules, meeting procedures, the Brown Act, conflict of interest laws, city ordinances, and the City Charter, and will not knowingly violate any of them so that we can maintain a safe and effective environment for conducting business.

6. I will seek to present information truthfully, and will not knowingly misrepresent, mischaracterize, or misquote information received from others.

7. If I find myself representing my personal interests before my community's interests, I will publicly disclose the differences and recuse myself from voting on such matters, and I will ask for advice from the Office of the City Attorney whenever I have doubts.

8. I will commit to good faith efforts to resolve grievances that come before the board as specified in the bylaws.

9. Out of respect to my fellow board members, the public, and the decision-makers who we are trying to influence, I will make the best possible effort to understand the issues before me.
Americans with DISABILITIES
AMERICANS WITH DISABILITIES ACT
City of Los Angeles, DEPARTMENT ON DISABILITY

People with Disabilities Are Part of Your Community

Introduction
Planning meetings and events, which are inclusive of all members of the community, may seem a daunting task. It may appear especially problematic when considering the needs of persons with disabilities. This important, but frequently overlooked segment of the public comprises in excess of 20 percent of the City’s population. No event, regardless of its size or the number of attendees, may be deemed a success if it does not include the “disability community.”

The purpose of a Guide to Accessible Event Planning is to provide an overview of what the event/meeting planner needs to know and do in order to make your activity fully accessible to individuals with disabilities. This guide will provide information to assist you in ensuring that the event/meeting is in compliance with the Americans with Disabilities Act (ADA), the federal civil rights law. Passed in 1990, the ADA guarantees to persons with disabilities equal access to all programs, services and activities. Access for members of the community with disabilities is required of all public events or meetings, sponsored directly by the City; those conducted by City contractors and/or subcontractors; and those held by not-for-profit or private entities where the event/meeting is open to the public, regardless of whether an admission fee is charged.

This Guide has been prepared by the Los Angeles City Department on Disability (DOD). Established in 1998, the Department’s mission, on behalf of the City of Los Angeles, is to ensure full access to employment, programs, facilities and services. This is accomplished through strategic management and partnerships, community outreach and education, legislative advocacy, training, research, and improved service delivery for the benefit of persons with disabilities. DOD is available to provide technical assistance to anyone holding an event/meeting and who is interested in assuring persons with disabilities are fully included. For more information, please call DOD at (213) 485-6334 Voice, (213) 485-6655 TTY, or visit our Website at www.lacity.org/dod.

BACKGROUND

As the population ages, disability has become a fact of life for tens of thousands of Americans. In preparing for any event/meeting, you must plan to accommodate individuals with a variety of special needs: persons who are hard-of-hearing, have speech or mobility limitations, or have vision or learning disabilities. You will need to ensure that people with disabilities can participate fully in your activity. If your event/meeting is truly inclusive of all members of the community, providing reasonable accommodation must be a key step in the planning process.
Briefly stated, **Reasonable Accommodation** may be thought of as efforts made to remove barriers, which prevent or limit participation by persons with disabilities in a program, service or activity. For example:

- If a neighborhood council has developed a draft “action plan” which is being made available (in print only) just prior to the start of the meeting where it is to be discussed, someone who has vision impairment will be at a serious disadvantage. Everyone else in attendance can quickly read the document while waiting for the meeting to begin, but someone with limited or no vision will be unable to do so. Hence, his or her access to the meeting is not equal.

So, how do we define the term reasonable accommodation? For the purpose of this Guide, reasonable accommodation may include, but not be limited to the following:

- Holding an event/meeting at a venue where the path of travel is “barrier free” (e.g., the primary entrance is at street level or a ramp provides access, wheelchair seating is available throughout the venue, restrooms are of a size to allow wheelchair access).
- Making printed material (announcements, agendas, programs) available in alternative formats (e.g., Braille, large print, audiocassette, computer disk).
- Providing qualified Sign Language Interpreters, assistive listening devices and/or real-time captioning.

Regardless of the segment of the community your event/meeting is intended to reach, it is safe to assume that individuals with disabilities will be a part of the audience. Hence, as you begin the process of planning to stage your activity, start with the premise that some unknown number of attendees will need an unspecified accommodation(s) in order to participate fully. If your event/meeting is targeting seniors, it is even more likely that you will be called upon to provide reasonable accommodation since a higher percentage of persons over the age of 65 have experienced a vision, hearing or mobility impairment. While you may not always know who your audience will be, it is essential that you prepare to include persons with disabilities.

**SITE SELECTION**

Now that you recognize and understand the need to be prepared to offer reasonable accommodation, it is time to consider how this fits into the overall event/meeting planning process. For purposes of discussion, let us assume that the process begins with site selection. If individuals with disabilities are to be included in the target audience for your event/meeting, it is essential to take into account whether a proposed venue is conveniently located. Three factors should be given serious consideration in determining the suitability of any venue:
1. **Can the venue be reached by public transportation, as well as by car?**
   The ADA does not mandate the maximum distance between an event/meeting venue and the closest access to public transportation. However, that distance may determine if a person with a disability can attend. Therefore, a reasonable distance should not exceed one or two blocks to a bus stop. While most Angelenos own or have access to an automobile, many persons, particularly seniors and people with disabilities, do not. A sizeable number of such people travel by bus. It is a good idea, therefore, to hold your event/meeting in a location that can be reached by public transportation. This is highly recommended where the event/meeting is expected to attract a large number of attendees, perhaps 100 or more.

2. **What is the availability of “disabled parking?”**
   Typically, having adequate parking simply means making certain there are enough spaces for the number of persons expected. In the context of accessibility (when considering an activity at a hall or auditorium), the question is whether there is adequate “disabled parking” onsite. This means a space that has been properly striped and displays of the wheelchair with occupant is known as the International Symbol of Accessibility. For every 25 parking spaces in a lot, there must be one disabled parking space wide enough (96 inches) to accommodate a van, with an adjacent 60 inches aisle way. Almost all public facilities currently comply with this requirement and many large privately owned venues do as well.

3. **Does the location have a convenient drop-off and pick-up point, adjacent to the main entrance, where attendees with disabilities may be left or wait for transportation?**
   A significant number of persons with disabilities utilize an ADA mandated paratransit provider (such as Access Services, Inc. in Los Angeles County), to meet their transportation needs. This “curb-to-curb” service (passengers are dropped-off and picked-up at a specific address) operates in conjunction with existing “fixed-route” public transit service. While generally reliable and on time, the nature of paratransit service is such that riders may have to wait a minimum of 30 minutes for transportation to arrive. Hence, an accessible facility should have a designated (preferably covered) area, which is clearly marked and can be readily identified both by drivers and waiting passengers.
The actual viewing of a likely venue may be handled in two ways, via the Internet and/or in-person. It is strongly recommended that inspection of any proposed event/meeting site be conducted to determine its overall suitability. Beyond that, such an inspection provides the opportunity to establish the site’s existing level of accessibility and plan for potential accommodation needs.

You may conduct a Virtual Site Inspection utilizing one of several companies providing this service online. Online site inspection has become increasingly popular and should reduce the time and effort required to select an appropriate location for your event/meeting. In performing either an onsite inspection or virtual tour, use the Site/Accessibility Checklist (see “Attachment 1”) at the end of this document for detailed information. Along with the Site/Accessibility Checklist, be prepared by having with you a list of questions regarding the facility’s accessibility (based on the checklist), tape measure and note-taking supplies.

VENUE ACCESSIBILITY – PHYSICAL ACCESS

It is not the intent of this pamphlet to turn Event Planners into accessibility experts, but to alert you regarding those areas, which must be assessed to determine whether a particular venue is accessible. There are several points to consider aside from those already discussed when looking at a location for your event/meeting (Attachment 1). The following items should be reviewed:

- **Building Access and Entrances:** As previously mentioned, entrances must be either at street level or accessible via ramp (maximum 1-12) or lift, and a minimum of 32 inches wide.

- **Building Corridors (e.g., path of travel and elevators):** Corridors must be wide enough (36 inches) for a wheelchair user to navigate, free from obstacles and of a non-slippery surface; and elevators must be large enough (51 inches deep) for a wheelchair to turn around, have controls marked in Braille and low enough (54 inches from floor) to be reached from a wheelchair, and with audible signals for persons with vision impairments.

- **Signage:** Outside signage must indicate the accessible entrance(s); inside signage for meeting rooms (if a permanent space); and restrooms must have Braille and raised characters.

- **Restrooms:** Restroom entrances must be wide enough (32 inches) to permit wheelchair access; interior must be sufficiently large (60 inches minimum diameter) to permit a wheelchair to enter and turn around; toilet stall doors must be 32 inches wide; toilet stalls (36-60 inches) equipped with a grab bar; and sinks high enough (30 inches) for a wheelchair to roll under with soap and towel dispensers within easy reach (48 inches from floor).
• **Water Fountains:** These must be low enough to permit use by someone in a wheelchair or have a cup dispenser, which can be reached easily.

• **TTY (Teletypewriter for the Deaf):**
  Public buildings must have a minimum of one TTY–equipped public telephone with appropriate signage.

• **Meeting Room/Auditorium Setup:**
  o Aisle ways should be sloped, no steps;
  o Where aisle ways have steps, persons using wheelchairs have access via another entrance to seating at or near the front of the hall;
  o Aisles are sufficiently wide to permit a wheelchair to navigate;
  o In facilities constructed after 1990, wheelchair seating is available throughout the room or hall; where seating is at tables, spaces are left vacant throughout the venue;
  o Speakers’ podium is at ground level or is accessible via ramp (portable ramp may be used if space permits) or lift; and
  o Venue provides Assistive Listening Device (ALD) system for participants who are hard-of-hearing. There are additional issues to be considered if the event/meeting is taking place at an Outdoor Venue (e.g., public park, stadium or other open area). Some points to consider include:

• **Disabled Parking:** (Please see previous discussion under “Site Selection.”)

• **Park or Stadium Entrances:** As with entrances to closed buildings, entrances to parks or stadiums must be accessible to persons using wheelchairs, walkers, or other mobility aids. There should be at least one entrance with a ramp or lift at parking lot or street level.

• **Event Access:** Ideally, one entrance should be on a level with the event/activity. Where a venue is partially accessible (e.g., some activities take place in a location which can be reached only by stairs), it will be necessary to offer an alternate means for attendees to participate or observe. One option is to set up an area where persons participate and/or observe via closed-circuit television.

• **Seating:** If the event is held at a facility, which offers theater or bleacher seating, spaces must be provided for individuals using wheelchairs. Such places may be either at ground level or accessible via ramp or lift.

• **Restrooms:** Facilities that do not have at least one accessible restroom should not be used unless accessible portable restrooms are provided. Sufficient numbers should be available and located as close to the designated accessible seating area as possible. The path of travel between the seating area and restrooms must be free from obstructions. At a park or other large venue, place accessible portable restrooms throughout the area.

• **Concession Areas and Stands:** These must be accessible and clearly identified. If this is not possible, alternate arrangements (e.g., carts circulating throughout the venue, ushers available to provide assistance in obtaining food and drink) should be made for persons with disabilities.
- **Signage:** Appropriate signage-directing persons with disabilities to accessible parking, entrances, seating areas, restrooms and concession stands must be provided. All accessible amenities should be clearly identified with the international accessibility symbol.

- **Other Amenities:** TTY-equipped phones may already be onsite; if not, they are available from the local telephone service provider. TTY equipment is also available through the California Public Utilities Commission. Assistive Listening Devices - which may be available if the event/meeting is being held in conjunction with the City of Los Angeles - may also be rented.

Typically, we think of events/meetings, which are open to the public as taking place in large venues, such as school auditoriums, municipal facilities or rented halls. increasingly, however, public gatherings are being held in private homes, condominium or apartment recreation rooms or small businesses. This is especially the case with the formation and certification of Neighborhood Councils throughout the City.

**Neighborhood Council** meetings - by virtue of the Brown Act - must be open to the public, even when held in a private residence. This statute makes it clear that meetings conducted in private residences or businesses must be equally accessible as those held in public buildings.

Therefore, such venues must be accessible to persons using wheelchairs or other mobility aids. As such, one entrance (preferably the primary entrance) must be either at street level or accessible via ramp or lift. It is never appropriate to carry someone - with or without his or her wheelchair - up steps in order to access the meeting.

Service Animals (almost always guide dogs for individuals who are blind, signal dogs for persons who are deaf, assistance dogs for those with mobility impairments, or service animals for persons with emotional disabilities) are permitted to accompany their handlers anywhere members of the public have been invited. Such animals will be well behaved and under control. Be aware that you may be asked by the handler where the service animal may be relieved or given water. You may not bar the animal from a public meeting in a private home or business unless it is disruptive.

If you are unsure whether it is a Service Animal, you may ask the individual: “What service or assistance does the dog provide you?” If you have concerns about allowing a service animal into a residence, you should conduct meetings at smaller public venues (e.g., library or recreation center, community or multi-purpose rooms).

**APPROPRIATE NOTICE AND REGISTRATION PROGRAM ACCESS**

You have done as much preparation as possible to ensure that the event/meeting is physically accessible. It is now time to inform your target audience - everyone you wish to attend - that reasonable accommodation is available upon request. The following
language must be printed at the bottom of all information disseminated to publicize your event/meeting, including registration materials:

“Sign Language Interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72- hours prior to the date of the event/meeting by contacting: (Phone Number, Voice and/or TTY).”

Please see attached Coordinating Interpreters for Conferences – Standard Practice Paper (Attachment II), for planning and coordinating such services. In lieu of a TTY, you may use the federally mandated 7-1-1 Telecommunications Relay System, operated within California by CRS (California Relay Service), which allows two-way communication by persons who are deaf, hard-of-hearing, or have a speech impairment. If the event/meeting requires registration in order to attend, space should be provided on the form to allow participants to request their desired accommodation. Requests may include:

- Qualified Sign Language Interpreters
- Assistive Listening Devices
- Real-time Captioning Services
- Material in Alternative Formats (e.g., Braille, large print, audiocassette and computer disk)

Remember that nearly all accommodation requests you are likely to receive will involve some expense to your organization. Since the ADA requires that reasonable accommodation be provided, be prepared to take this into consideration when developing the budget for the event/meeting.

One accommodation for which you are not required to pay is the use of a personal assistant; that is, someone who accompanies an individual with a disability and provides needed physical help. If you are holding an event/meeting, you do not have to cover the cost of a personal assistant or allow such assistant to attend free of charge (assuming there is a fee for the event/meeting). It is essential that the individual(s) responsible for answering the contact telephone number(s) and/or processing registration forms be aware he or she may be called upon to provide a reasonable accommodation.

While you are not required to provide the specific accommodation requested, the ADA does require that the accommodation offered be “equally effective” for the individual making the request. For example, if an individual who is blind requests a Braille agenda at the time of the meeting and you cannot get it put into Braille in time, it may be considered equally effective to have someone read the agenda to the person prior to the start of the meeting.

It is equally essential that everyone who will be taking calls or processing forms from the public - volunteers and staff alike - know how to arrange for reasonable accommodation requests. The aforementioned 72-hour deadline is almost always sufficient to facilitate
such requests if those responsible for event/meeting planning are aware of the available resources.

There are literally dozens of companies and agencies providing service and/or equipment to permit someone with a disability to fully participate in the event/meeting. It is not within the scope of this pamphlet to provide a comprehensive listing of such entities. However, the numbers for the Department on Disability are (213) 485-6334 Voice, and (213) 485-6655 TTY, and should be given to all staff and/or volunteers involved in this aspect of your planning. DOD staff will quickly put them in touch with the most appropriate resource to meet the reasonable accommodation request.

If the event/meeting is one that does not require registration in advance, serious consideration should be given to having a pair of Qualified Sign Language Interpreters present, in case some attendees require such assistance.

Additional interpreters should be on hand if the event/meeting includes concurrent and/or breakout sessions. It is also recommended that a few sets of the written materials be prepared in large print (14-font size or greater). This is particularly advisable if the event/meeting is expected to attract a large number of people; hence, increasing the likelihood that some attendees will have hearing or vision impairments.

STAFF AND VOLUNTEER TRAINING

One aspect of event/meeting planning, which is easily overlooked is the matter of the training of staff and volunteers. If the gathering is expected to be large, you will be using a number of staff members and volunteers to assist in the smooth running of the event/meeting. Along with whatever training you plan to provide, serious thought should be given to offering “awareness training” in order for personnel to better assist attendees with disabilities.

At the least, all persons involved on the day of the event/meeting should be provided copies of (Attachment 3):

“Guide to Etiquette and Behavior for Working with Persons with Disabilities”

If you wish for more specific training for your staff and volunteers, please feel free to contact the Department on Disability for further assistance.

THE EVENT ITSELF

Even if you have done your job as an Event Planner, a few glitches will inevitably result. In order to minimize the possibility that one of those last-minute “snafus” will involve an attendee with a disability, make sure to do the following: Assign someone to be responsible for assuring that all accommodations (e.g., Interpreters, Assistive Listening Devices, Braille materials) previously requested are on hand at least 30 minutes prior to the start of the event/meeting.
- Test any special equipment (e.g., ALD’s, lifts) beforehand.

- Have a person near or at the registration, or sign-in table to assist anyone needing help in completing necessary paperwork, or in reading event/meeting materials not available in an alternative format.

- Alert all staff and volunteers as to where accessible restrooms, TTY-equipped public telephones and other accessibility features are located.

- If an attendee with a disability needs assistance, provide help but remember that staff and volunteers are not required to do personal chores (e.g., feeding, toileting).

CONCLUSION

The Department on Disability knows what a challenge it can be to plan and carry out a successful public event/meeting. Our intent in preparing this Event Planning Guide has been to provide the information necessary to assure that members of the community with disabilities, who need a little extra consideration, in order to fully participate in a public event/meeting receive assistance. While this document cannot respond to every situation that may arise, an effort has been made to address the most common issues and situations.

Feel free to contact the Department on Disability, should you need further assistance with your event/meeting planning activities, and in the meantime, have a great event!
ATTACHMENT I

SITE / ACCESSIBILITY CHECKLIST

Venue / Site:_______________________________________________________

Event:___________________________________________________________

Name of Room:_____________________________________________________

Address:_________________________________________________________

Contact:___________________________________________________________

Phone No.:_______________________________________________________

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<tr>
<th>VENUE/FACILITY ACCESS</th>
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<td>Are 96” wide parking spaces designated with a 60” access aisle?</td>
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<tr>
<td>Are parking spaces near main facility/venue entrance?</td>
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<tr>
<td>Is there one accessible/disabled parking space for every 25 parking spaces?</td>
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<td>Is there a “drop off” zone at facility/venue entrance?</td>
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<td>Is there a step-free route from the parking lot to the building entrance?</td>
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<td>Is the venue/facility entrance doorway at least 32” wide?</td>
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<td>Is the slope from parking to building entrance 1:12 or less?</td>
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<tr>
<td>If the wheelchair accessible entrance is not the primary entrance, is there a sign on the primary entrance directing persons to the accessible entrance?</td>
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<td>Do doors have lever handles or pressure plates?</td>
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<td>Is the door easy to open?</td>
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<td>Are other than revolving doors available?</td>
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Comments:
### FACILITY CORRIDORS

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- Is path of travel free of obstruction and wide enough for a wheelchair (36” minimum)?
- Is floor surface hard and not slippery?
- Do obstacles (e.g., phones, fountains) protrude no more than four inches?
- Are elevator controls low enough (54”) to be reached from a wheelchair?
- Are elevator markings in Braille for the blind?
- Does elevator provide audible signals for the blind?
- Does elevator interior provide a turning area 51” deep for wheelchairs?

**Comments:**

### RESTROOMS

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- Are restrooms near facility/venue entrance?
- Do doors have lever handles?
- Are doors at least 32” wide?
- Are grab bars provided in toilet stalls?
Are sinks at least 30” high with room for a wheelchair to roll under?  
Are sink handles easily reached and used?  
Are soap and towel dispensers, no more than 48” from floor?  
Comments:

ATTACHMENT II

COORDINATING INTERPRETERS FOR CONFERENCES
REGISTRY OF INTERPRETERS FOR THE DEAF, INC. (RID)
333 Commerce Street, Alexandria, VA 22314
703/838-0030 (V) 703/838-0459 (TTY)
703/838-0454 (Fax) www.rid.org

People who are deaf are participating more often in international, national, regional, and local conferences sponsored by organizations predominantly composed of hearing people. Conference planners face the challenge of making it possible for participants who are deaf to take part in every aspect of conferences. The following information is provided (by the Registry of Interpreters for the Deaf, Inc.) to assist the conference planner in providing optimum services for all deaf participants or presenters who attended the conference being arranged.

The conference needs can include interpreting for people who use American Sign Language (ASL) or an English sign or cued system; deaf-blind people who use speech-reading with little or no signing, and other deaf people who may desire assistive listening devices, such as an FM or infrared loop system, or live (real-time captioning).

Advance planning for the conferences should include:

- For larger conferences of two or more days’ duration, a coordinator of interpreting services should be hired as an adjunct member of the conference planning committee.
- Provide space on all registration forms for a registrant to notify the conference staff of special communication needs:
  - Interpreter Services
    - ASL – American Sign Language
    - an English sign system
    - tactile or close vision
    - oral
- ethnic/cultural language preferences
  - Assistive Listening Devices (ALD’s)
  - Visual Assistive Devices
  - Note-taking Services
  - Other (e.g., Cued Speech, Real Time Captioning, Telebraille, etc.).

The deadline date for requests should be minimum of one month prior to the conference to provide enough lead-time for planning of services. The conference can guarantee services only for those registered by the deadline. For late registrants, services may be difficult to obtain on short notice. Requesting interpreting services prior to the conference allows for the planning necessary to provide a high quality of service. Planning time can be used to obtain the following necessary information:

- Presenters’ preferences regarding interpreting services.
- Copies of presentation materials (speeches, songs, poems, etc.) for preview by interpreters.
- Information regarding the format of the presentations.
- Information regarding terminology, topic areas, acronyms, conference agenda, and any expected speaker dialects.

Selection of interpreters for the conference should be based on the following factors:

- A minimum of two interpreters is necessary for each session a deaf person will be attending. When planning for more than one deaf person in a conference with concurrent sessions, enough interpreters need to be scheduled to allow participants to attend the sessions of their choice.¹
- The same team of interpreters (rather than hourly substitutes) should be used throughout the conference, as the team will acquire knowledge of the consumers, logistics, specialized vocabulary, and topic areas.
- RID certified interpreters should be used whenever possible, preferably those who have prior experience and/or knowledge of the topic or theme of the conference.

¹ See Team Interpreting and Use of a CDI
Ethnic, cultural and linguistic concerns of the consumers should be taken into account in selection of interpreters.

**INTERPRETING POLICIES**

Some issues, which should be agreed upon in advance of the conference, are:

- What is the cancellation policy for letting interpreters know that they are not needed for the conference, after they have been scheduled to work?
- What happens when more interpreters are scheduled than are needed at conference time?
- What is expected of the interpreter(s) if consumers do not show?
- What is the expected general attire for interpreters?
- What policies apply to overtime for interpreters?
- What are the policies applying to videotaping conference activities involving interpreters?

During a pre-conference site visit, the conference planner or coordinator of interpreting services should attended to the following concerns:

- Proper lighting on interpreters.
- Physical location for the interpreters, including a check for:
  - a visual background that is non-distracting to the participants
  - the ability of interpreters to view consumers and their comments
  - elimination of traffic between interpreters and participants
- Easy, inconspicuous switching of team interpreters.
- Adequate, suitably located space for planning of interpreters' logistical needs.
- Appropriate signage to information and locations.

The conference planner should inform presenters on these basic points of protocol for working with interpreters. Presenter and interpreter(s) should meet prior to presentation, when possible, to:

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1 See Business Practices: Job Billing
• Preview the general content of presentation.
• Preview special content such as jokes, poems or songs.
• Forewarn interpreters of special occurrences that might be alarming or disconcerting if unexpected.
  o Presenters should not involve interpreters as “models” in demonstrations.
  o Presenters and interpreters are encouraged to talk at break or between sessions about how the interpreting process is going and make appropriate adjustments.

**COORDINATOR OF INTERPRETING SERVICES**

Conference needs may vary depending on size, nature and duration. For a larger conference of two or more days, a coordinator should be hired as *adjunct member* of the conference planning committee early in the planning process. The person hired for the position of coordinator should have knowledge of the skills of interpreters as well as the needs of deaf and hearing consumers. The coordinator should be a flexible person possessing excellent scheduling skills as well as a calm professional demeanor.

The coordinator would be responsible for:

• Contacting/recruiting and scheduling appropriate, qualified, RID Certified Interpreters for the dates and times needed during the conference.

• Serving as liaison for contracts, payment negotiations, cancellation policies, and payment for interpreting services.

• Providing entrance credentials, badges, schedules and information regarding sessions for the interpreters upon their arrival at the site.

• Deploying interpreters according to need.

• Arranging last minute substitutions or changes.

• Providing technical and logistical assistance to the conference personnel.

• Problem solving or putting out “fires.”

• Coordinating with other language interpreters.

• Providing post-conference reports, summaries and final report on expenses as requested by the conference planning committee.
The coordinator of interpreting services and the conference interpreters might be hired through an interpreter service agency. If the coordinator is also an interpreter, it is best that this person not be scheduled for interpreting duties but be available for contact at all times through a pager system.

The Association believes that the planning for and use of skilled interpreters provides optimum services for the needs of deaf and hearing consumers alike who attend the conference. The conference planner can enhance the provision of equal access to all conference proceedings through this good use of qualified conference interpreters.
ATTACHMENT III

GUIDE TO ETIQUETTE AND BEHAVIOR FOR WORKING WITH PERSONS WITH DISABILITIES

PART I - GENERAL ETIQUETTE - TIPS ON CONVERSATION:

The most important thing to remember in any conversation with someone with a disability is to assume nothing. If you have a question about what to do, what language terminology to use, what assistance, if any, they might need, the person with the disability should be your first and best resource. Do not be afraid to ask.

- Be patient, not only with the person with the disability, but with yourself. Frustration may come from both sides of the conversation and needs to be understood and dealt with by both parties.

- The most important thing to focus on during conversation with persons with disabilities is the overall goal. It is simply communication between two individuals. Ultimately, it is what is communicated, not how it is communicated.

PART II - SPECIFIC DISABILITIES

The following summary contains many true statements, but no absolute truths. Every person with a disability is an individual. While this summary is about disabilities, it is important to remember that you are not working with disabilities, you are working with individuals who have disabilities. It is most important to ask the individual what terminology they prefer or if they need assistance. With this in mind, the following general guidelines are offered:

DISABILITY – Blind and/or Visually Impaired

THINGS TO KNOW:

- The definition of legally blind is 20/200 vision with best correction. Most persons who are considered blind have some sight.

- Most persons who are blind are mobile and independent.

- While many persons who are blind can use Braille, the majority of persons who are blind do not.

THINGS TO DO:

- Introduce yourself. Identify who you are and what your job or role is. Give the person verbal information that is visually obvious to those who can see.
- Be descriptive when giving directions. For instance, saying, "Over there," has little meaning to someone who cannot see you point. Instead, saying, "Four doors after turning right from the elevator," would be much more helpful.

- Always ask someone if they need your assistance and how you can assist them. Lead someone who is blind only after they have accepted your offer to do so. Allow them to hold your arm rather than you holding theirs. It is important that they control their own movements.

- Many techniques are used as tools for independence. Some persons who are blind use a "clock" reference for things directly in front of them such as a meal. For example, something could be positioned at three o'clock (to their right) or six o'clock (directly in front and close). Before using this technique, ask the person if this is useful. Remember to describe things from their perspective, not yours.

**THINGS TO AVOID:**

- **DO NOT** move any items (i.e., furniture, personal items) without informing the person who is blind. Doing so can be frustrating and, in some cases, dangerous for the person.

- **DO NOT** use references that are visually oriented, such as: "Over there near the green plant."

- **DO NOT** interact with a dog guide while it is working (in harness), without permission.

**DISABILITY – Deaf and/or Hard-Of-Hearing**

**THINGS TO KNOW:**

- Most persons who are deaf or hard-of-hearing have some hearing.

- Sign language is not another form of English. It is a language with its own grammar, context and rules.

- Lip-reading, while helpful without sound clues, is only about 30% effective.

- Long conversations with persons who lip-read can be very fatiguing.

- Not all persons who are deaf use sign language, read or write.

- Not all persons who are deaf speak or lip-read.
THINGS TO DO:

- Determine how the person prefers to communicate.
- If the person uses an interpreter, address the person directly, not the interpreter.
- If the person reads lips, speak in a normal not exaggerated way. Short, simple sentences are best.
- If the person reads lips, avoid blocking their view of your face. Make sure the lighting is good.
- Gain their attention before starting a conversation.
- If there is any doubt that you have been misunderstood, ask if they understand you.
- Be aware of situations where a person may be waiting for assistance (i.e., transportation, a table, the start of an activity), where the common method of communication is by announcement or the calling of the person's name. Develop an alternative method for notifying the deaf and/or hard-of-hearing person.

THINGS TO AVOID:

- DO NOT become impatient or exasperated with the person if it takes additional time to communicate.
- Make sure there are no physical barriers to effective communication.
- If the person is using hearing aids, avoid conversations in large, open and/or noisy surroundings.

DISABILITY – Wheelchair User

THINGS TO KNOW:

- There are many reasons (not just paralysis) why someone uses a wheelchair.
- There is a wide range of physical abilities among those who use wheelchairs.
- Persons using them may require different degrees of assistance or no assistance at all.
Some persons do not use wheelchairs exclusively, but may use canes, leg braces, and in some cases, no assistive devices at all for short periods.

All wheelchairs are not the same. Different sizes and shapes meet different needs.

Some wheelchairs are manually operated and others are motorized.

**THINGS TO DO:**

- If you are requested to fold, carry or store a wheelchair, treat it with care. They can break, and are difficult to repair on short notice. It is extremely disruptive to the user if their wheelchair is unavailable.

- When speaking to someone who uses a wheelchair, give the person a comfortable viewing angle of your face. Having to look straight up is not a comfortable viewing angle.

**THINGS TO AVOID:**

- DO NOT push someone using a wheelchair without permission.

- When communicating, do not stand too close to the person in the wheelchair. Give him/her some space.

**DISABILITY – Speech Limitations**

**THINGS TO KNOW:**

- There are many causes for persons having speech limitations. Deafness, cerebral palsy, stroke, head injury, and general speech impairment are just a few.

- It is not unusual in stressful situations for a person’s speech to become harder to understand.

**THINGS TO DO:**

- If you do not understand what the person is saying, bring it to his/her attention immediately and ask how the two of you may better communicate.

- If the situation is stressful, try to stay calm.

- If you are in a public area with many distractions, move to a quiet or private location.
Consider writing as an alternative means of communication.

THINGS TO AVOID:

- DO NOT pretend to understand them if you do not.
- DO NOT become impatient with the communication difficulty.
- DO NOT finish the person’s sentences or interrupt.

DISABILITY – Dwarfism

THINGS TO KNOW:

- Dwarfism is a protected disability under the ADA. Other preferred terms are “person of short stature” or “little person.” Generally, a person is considered to have dwarfism if they are 4’ 10,” or under. The individual may or may not have an apparent disability.
- Less than half of those with dwarfism experience orthopedic impairments. A significant difficulty for those with dwarfism is receiving treatment based on their size, rather than their age.

THINGS TO DO:

- Whenever possible, try to maintain eye level contact with the person. This may require standing a little further away than usual so that the person does not have to look straight up. Picking a person up or squatting down is not acceptable methods of having eye contact.
- If the person is having difficulty dealing with furniture, ask what he/she prefers. Do not volunteer footstools or stepladders.
- Relate to the person's age and professional status, not his/her size.

THINGS TO AVOID:

- DO NOT pat the person on the head.
- DO NOT point out to the person that he/she is short; the person already knows it.
- Avoid short jokes even if the person initiates them.
Avoid questions about the person’s sexuality or sex life. A person’s “differentness” does not give you a license to go beyond common standards of decorum.

For Questions Contact: City of Los Angeles, Department on Disability
(213) 485-6334 Voice  (213) 485-6655 TTY  (213) 485-8052 FAX
lacity.org/dod
CONFLICT OF INTEREST
STATE AND CITY CONFLICT OF INTEREST LAWS:  
INFORMATION FOR NEIGHBORHOOD COUNCILS  
Office of the City Attorney- Neighborhood Council Advice Division  
AB 1234 ETHICS TRAINING

Conflict of Interest Laws Governing Neighborhood Councils

Board members of Neighborhood Councils who are given governmental decision-making authority, must be mindful of the following conflict of interest laws: The Political Reform Act of 1974, as amended (Government Code§ 81000, et seq.), Government Code§ 1090 et seq, and the common-law conflict of interest rules. Because of the enactment of Ordinance No. 176477 Neighborhood Councils are not required to have a conflict of interest code, are not required to fill out the state (Form 700) disclosure statement and no longer are subject to the City’s Governmental Ethics Ordinance (Los Angeles Municipal Code § 49.5.1 et seq.) However, compliance with state and common law conflict of interest laws is still required. A brief explanation of these laws follows.

The Political Reform Act.

The Political Reform Act is a state law that sets up rules and regulations to ensure that governmental officials are free from bias caused by their own financial interests and act in an impartial matter.

Basic Prohibition. Under the Act, public officials are disqualified from participating in government decisions in which they have a financial interest. There are four basic tests to ascertain whether a neighborhood council board member might have a financial interest under the Act. When all of the following are true, the board member would have a disqualifying interest:

- the neighborhood council board member makes, participates in making, or uses his or her official position to influence the making of a decision;
- the neighborhood council board member has a statutorily defined economic interest (his or her own finances or those of members of his or her immediate family, investment in a business, interest in real property, source of income or gifts, management position in a business) that may be affected by the decision;
- it is reasonably foreseeable that the decision will have a material financial
effect on the neighborhood council board member's economic interest;

- the decision will affect the neighborhood council board member's economic interest in a way that is distinguishable from its effect on the public generally or a significant segment of the public.

A neighborhood council board member who is disqualified must abstain from making, participating in making or attempting to use his or her official position in any way to influence the government decision.

**Persons Covered.** The Act treats "members of local governmental agencies" as public officials. Public officials who make, participate in the making of, or influence or attempt to influence a governmental decision must comply with the Act's provisions. Neighborhood Councils have been treated as "local governmental agencies" and board members as "public officials" for the purposes of the Act. ²

**Participation In Decision-Making.** Neighborhood Councils are advisory bodies. Their role is to make recommendations to the various City decision-makers, including City boards, commissions, City Council committees and the City Council. City Charter § 907. This role falls within the "make, participate in making, or attempting to influence a government decision" provision of the Act. Since the Neighborhood Councils have been delegated the authority to make "governmental decisions," even the board member's votes on "non-governmental" or purely advisory recommendations will be subject to the conflict-of-interest provisions. ³

**Economic Interests Covered.** What is a financial interest is often complicated and fact-based, but there are basic types of economic interests that the Act covers:

- a business entity in which a neighborhood council board member, or his or her immediate family, owns an investment or in which the neighborhood council board members is an officer or director or holds a management position in that business entity;

² Making recommendations as to whether the City should or should not enter into a contract will also trigger the Act's requirements. In this instance, this means making a recommendation about a specific contract which is coming before the City for action or recommending qualifications/specifications for a city contract. Merely advising the City as to whether, for example, the City should pave a certain street or install lighting, which decisions might ultimately result in the City entering into a contract for those services, would not trigger the Political Reform Act requirements for the neighborhood council providing this advice.

³ Thus, a board member who makes "governmental decisions" must also be aware of, and comply with, the disqualification rules even when making a purely advisory recommendation, for example, to a City Council Committee or Area Planning Commission regarding a conditional use permit for a project located within the boundaries of that Neighborhood Council.
real property in which a neighborhood council board member or his or her, immediate family, owns an interest;

- any person or entity that is a source of income or loans to the neighborhood council board member or spouse;

- any person or entity that has given the neighborhood council board member a gift within the last year; or

- a neighborhood council board members’ personal expenses, income, assets or liabilities, including those of his or her immediate family.

**Business Investments and Business Positions.** An investment of $2000 or more in a business entity by a board member, his or her spouse or dependent children is considered an economic interest. If a board member is a director, officer, partner, trustee, employee or holds a position of management in a business entity, that is also considered an economic interest.

**Real Property-** An investment of $2000 or more in real property by a board member, his or her spouse, or his or her dependent children or anyone acting on his or her behalf, is an economic interest.

**Sources of Income and Gifts-** The receipt by a board member of income of $500 or more from an individual or organization within 12 months prior to the decision in question is an economic interest. Gifts totaling $360 or more received from a single source within 12 months prior to the decision is an economic interest.\(^4\)

**Personal Financial Effects-** Expenses, income, assets or liabilities of board members or their immediate family are considered an economic interest if those expenses, income, assets or liabilities are likely to go up or down by $250 as a result of the decision at issue.

Once a board member determines that he or she has an economic interest, the next step is to determine whether the decision will have a direct or indirect impact upon the board member’s interest and whether it is reasonably foreseeable that the decision will have a material effect on the board member’s economic interest.

**Direct v. Indirect Interest.** Whether a particular impact is material or not also depends upon whether the economic interest is directly or indirectly affected by the decision. A direct interest is generally one that is the subject of the decision; an indirect interest is one

\(^4\) Note: The gift limit is adjusted for inflation every two years. Gov't Code § 89503(f).
that may be impacted because of some connection or relations to the decision. 5 A direct interest is more likely to create a greater risk of a conflict of interest than an economic interest that is indirectly involved in the decision.

**Foreseeability and Materiality.** To have a conflict of interest the effect on the board member's economic interest must be foreseeable (in other words, likely to occur) and be considered "material." In other words, a conflict of interest results if a board member can reasonably predict that his or her decision on a particular matter will have some economic impact (positively or negatively) on his or her economic interest. The Act sets up some basic thresholds to determine whether an economic interest is material:

**Business Investments and Business Positions.** As a general rule, if a decision directly involves a business entity in which the neighborhood council board member has an interest, the board member must disqualify himself or herself. However, if the only interest in the company is less than $25,000 in stock, the board member may still be able to participate in the decision after a detailed examination of the state's regulations. If the decision indirectly involves a business entity in which the board member has an interest, a decision's impact would be material if, for large companies such as Fortune 500 companies, the impact on the interest would result in an increase or decrease of the business' gross revenue of $10,000,000 or more in a fiscal year; or results in the business entity incurring or avoiding additional expenses or reducing or eliminating existing expenses for a fiscal year in the amount of $2,500,000; or results in an increase or decrease in the value of the business entity's assets or liabilities of $10,000,000 or more. At the other extreme, for smaller companies the impact is material if the decision would result in an increase or decrease in revenues of $20,000 or more or increase or reduce expenses by $5000 or more in a fiscal year, or result in an increase or decrease in the value of its assets or liabilities by $20,000 or more.6

**Real Property**- If the decision affects a board member's property which is located within **500 feet** of the boundaries of the property subject to the decision, disqualification from acting is generally required unless the decision will have no financial impact on the property. If the board member's property is located **more than 500 feet**, there is a presumption that the decision will not have a material financial effect. However, that presumption can be rebutted by proof that there are specific circumstances that would

5 For example, if a neighborhood council board member owns a business that is subject to a permit or approval about which the Neighborhood Council is making a recommendation, that is a direct impact of that economic interest. If a neighborhood council board member owns a business that is located more than 500 feet away from a piece of property that is seeking, for example, to obtain conditional use approval to sell alcoholic beverages about which the Neighborhood Council is making a recommendation, the decision potentially has an indirect impact on that economic interest, i.e., the business of the board member.

6 The Political Reform Act also describes the impacts of other businesses that fall between these parameters, which are not discussed here.
make it reasonably foreseeable that a financial effect will result from the presumption. Leasehold interests may also implicate the conflict of interest rules and have to be evaluated on a case-by-case basis.

Sources of Income- If the decision will have any financial effect upon an individual who is a source of income for the board member and that source is directly involved in the decision, the effect is determined to be material. The most common source is the employer of the board member or spouse. If a board member or his or her spouse owns 10% or more of a business, clients of that business may also be sources of income. However, if the source of income is indirectly involved in the decision, application of the state's regulations on the particular facts of this source is required to determine if the board member has to recuse himself or herself from acting on the matter.

Distinguishable From The Public. Even if a board member's economic interest is foreseeable and material, he or she does not have a legal conflict of interest unless the decision's impact on his or her economic interest is different from the general public's impact. In other words, if a board member is participating in a decision on an issue that will affect the general public's financial interests in the same manner as his or her own interests, even though the decision will have a material economic impact on the board member's financial interest, it does not create a conflict of interest. Under this rule, the decision must affect the board member's interest in substantially the same manner as the interests of the public. An example of this would be if the City is embarking upon a plan amendment and zone change for a community plan area and a board member's property is subject to a zone change as is every other property within the community plan area. Although the board member's property is directly affected by the zone change, the property is impacted in substantially the same manner as other members of the public since all are being rezoned, so there is no conflict of interest requiring recusal. The state has developed specific percentage and numerical thresholds for determining when a group of people constitute a significant number to make a determination whether a decision affects the public in the same manner.


In addition to the requirements of the Political Reform Act, state law contains special rules governing conflicts of interest relating to government contracts. A neighborhood council board member may not be financially interested in any City contract that he or she is involved in making. Thus, any participation by a board member in the process by which a contract is developed, negotiated or approved, including making a recommendation on the contract, is a violation of Government Code § 1090 if the board member has a financial interest in that contract. Also, if the board member has a financial interest in a contract, the entire neighborhood council board might not be able act on the matter. However, there are some interests called "remote interests" which would disqualify a board member but not the entire neighborhood council board. Gov't Code §1090 prohibitions apply to oral as well as written contracts. Financial relationships in a contract would include, but are not limited to: employee of a contracting party, attorney, agent or
broker of a contracting party, supplier of goods or services to a contracting party; landlord or tenant to a contracting party; officer, employee or board member of a nonprofit corporation of a contracting party.

**Common Law Conflict of Interest Rules.**

Although Los Angeles City Charter § 222, contains its own conflict of interest provisions based on an "appearance standard," these standards for disqualification are not applicable to neighborhood council board members. However, neighborhood councils are free to develop their own appearance standards and ethics rules in their bylaws.

Furthermore, basic principles of bias and conflict of interest rules that the courts have developed over time (common law) also apply to the board's decisions even if the statutory rules may allow a board member to participate in an action. As the Attorney General has concluded, "[t]he common law doctrine against conflicts of interest . . . prohibit public officials from placing themselves in a position where their private, personal interests may conflict with their official duties." 64 Ops. Cal. Atty Gen 795. As put by the court of appeal, "[a] public officer is impliedly bound to exercise the powers conferred on him with diligence and primarily for the benefit of the public." Noble v. City of Palo Alto (1928) 89 Cal. App. 47, 51.

This doctrine applies in situations involving both financial and nonfinancial interests. This means that simply having a personal relation to the matter could be construed as tainting a board member’s decision-making because he or she is perceived to be biased or making the decision based on his or her personal interest, rather than for the good of the public.7

However, having general personal views and opinions about a matter is generally not sufficient to show bias. Andrews v. Agricultural Labor Relations Board (1981) 28 Cal. 3d 781. The mere appearance of bias is generally not sufficient for disqualification; but a disqualifying bias may be found if a showing can be made that a public officer has a specific prejudice against a person affected by a decision or a showing that a public officer’s decision making ability is so impaired such that s/he cannot render a decision based on appropriate grounds. /d. at 792. Thus, neighborhood council board members should always be alert to whether their private interests, whether financial or otherwise, would be enhanced by any particular action they take on an item before them. Although not legally required, neighborhood council members should avoid even the appearance of bias to avoid allegations that might cause the integrity of the neighborhood council and its members to be questioned.


**Penalties.**
Violations of the Political Reform Act and Government Code § 1090 can carry significant penalties.  

Violations of the Political Reform Act can result in civil actions, criminal prosecution and/or administrative sanctions, injunctive relief or in some cases, prohibition against holding future elective office, depending upon the nature of the violation and the jurisdiction of the enforcement agency.

Violations of Gov't Code § 1090 are prosecuted as a felony and a conviction could, in addition to the imposition of a criminal fines and potential imprisonment, result in a lifetime ban from holding any public office in the State of California. In addition, contracts that are entered into in violation of this statute are void as a matter of law.

Finally, any person can file suit in civil court alleging violations of the Act.

**Identifying Conflicts and Disqualification.**

Because severe penalties may apply to a neighborhood council board member for violations of the conflict of interest laws it is important that board members identify their economic interests that may pose potential conflicts. The eight part test set forth earlier should help board members identify what type of economic interests they have.

If a board member has either an economic interest in a decision that requires disqualification or is disqualified due to the application of the "common law doctrine" of a conflict of interest, the board member must disclose the interest which is the subject of the conflict as well as the fact that he or she is disqualifying himself or herself from any participation in the decision. The board member also may not do anything to influence the decision.

If a board member is disqualified from acting on a meeting agenda item and he or she is present at the meeting, he or she should make a public announcement identifying the economic interest which is the subject of the conflict and the fact that he or she is disqualified from any participation. After announcing the recusal from participation, the board member should excuse himself or herself and leave the room while that item is

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8 Note: The City Attorney's Office cannot defend or indemnify a board member who is charged, either civilly or criminally, with a violation of either the Political Reform Act or Gov't Code § 1090. In addition, regarding the attorney-client privilege, the privilege applies to confidential communications between the attorney and the client. Although the City Attorney is the legal advisor to the neighborhood council board, the City's client is the municipal corporation, the City of Los Angeles, and not to any individual board member. While the City Attorney's Office is willing and able to assist individual neighborhood council board members with legal advice, the advice given may be disclosed to the neighborhood council board and to any other City entity.

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Summary.

Any time any City business is before a neighborhood council board member that involves:

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a business in which he or she or a member of his or her family has an investment;

- an entity of which he or she is an officer or director or holds some position of management;

- real property in which he or she or a member of his or her family has an interest;

- a source of income to him or her or a member of his or her immediate family;

- a source of gifts to him or her; or

- any person or entity with which he or she has a relationship other than in his or her capacity as a City official (e.g., a friend, person with whom he or she has a business relationship or an organization in which he or she holds some position of importance),

board members should contact the Department of Neighborhood Empowerment with the pertinent facts, and the Project Coordinator for the board member’s neighborhood council will confer with the City’s attorney for advice to assist the board member.  

The information will be communicated either directly from the Office of the City Attorney or through the Department of Neighborhood Empowerment’s Project Coordinator, orally or in writing, depending upon the complexity of the board member’s inquiry.

You may also seek advice from the Fair Political Practices Commission (FPPC) at their toll free help line at 1-866-ASK-FPPC, or may ask for a formal written opinion.  

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9 The Project Coordinator generally will not provide information relating to allegations of conflict of interest matters relating to third persons (persons other than those making the inquiry); only the board member who is concerned about his/her own economic or common law conflict of interest should contact the Department. The one exception is that any board member can and should inquire about the ability of its board to enter into a contract that might implicate Gov’t Code § 1090.

10 Formal written opinions take a minimum of 21 days but only written advice from the FPPC provides immunity from prosecution if acting consistent with that advice.
THE PUBLIC RECORDS ACT AND NEIGHBORHOOD COUNCILS

Office of the City Attorney - Neighborhood Council Advice Division
AB 1234 ETHICS TRAINING

What is the purpose of the Public Records Act?
The Public Records Act (the "Act") is a California State Law and is codified in Government Code Section 6250 et seq. The Act was initially adopted over 50 years ago and its purpose was to make the government's operations open to greater public scrutiny by increasing the public's access to its records. Courts interpreting the Act's provisions emphasize that the Act's primary purpose is for the public to be able to monitor an agency's functions. Under the Act, a member of the public is allowed to make a request and obtain information that is a public record from a government agency.

Although there is information that is protected from disclosure, most information in the government's possession is a public record that is subject to inspection. "[A]ccess to information concerning the people's business is a fundamental and necessary right of every person in this state." (Gov't Code § 6253.)

Are Neighborhood Councils subject to the Public Records Act?
Yes. The Act applies to "local agencies." The Act defines a local agency to include any subdivision or agency of a chartered city. (Gov't Code § 6252(b).) Neighborhood Councils fall within that definition because they are a City-entity, created as an advisory body of the City, and established under the Los Angeles City Charter.¹

What are public records?
Most information in the possession of the Neighborhood Council will be a public record.² Public records include "... any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by the [Neighborhood Councils] regardless of its physical form or characteristics." (Gov't Code § 6252(e).)

"'Writing' means handwriting, typewriting, printing, photostating, photography, and

The Los Angeles City Charter was adopted and approved by the voters during the June 1999 election.²

The Act allows access to existing records. It does not create any obligation to create records in order to respond to a request.
every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents." (Gov't Code § 6252(f).) These definitions in the Act create a broad net that encompasses most information that will be retained by the Neighborhood Councils.

What must the Neighborhood Council do if it receives a request under the Act?

A request for public records may be made either orally or in writing. Los Angeles Times v. Alameda Corridor Transp. Auth. 88 Cal. App. 4th 1381, 1382 (2001). After receiving a request, it is critical that the Neighborhood Council immediately contact its Department of Neighborhood Empowerment Project Coordinator. There are fast-approaching deadlines that require immediate action by the Neighborhood Council. The Project Coordinator will work in conjunction with the Office of the City Attorney, Neighborhood Council Advice Division, to insure that the Neighborhood Council meets its obligations under the Act.

Under the Act, the Neighborhood Council must respond to a request within 10 days. The Neighborhood Council’s response must state whether the requested records will or will not be provided. If the Neighborhood Council states that it is not providing all or any part of the records in its possession, then the Neighborhood Council must state the legal basis for non-disclosure of the record. Your Project Coordinator, again with assistance from the City Attorney’s Office, will help you with composing this letter so that the proper legal objections are raised.

In addition to providing a response to the request, the Neighborhood Council also must provide access to the non-objectionable information that was requested. Providing the information to the person making the request may occur under any number of circumstances. The Neighborhood Council may decide how to best provide access to the records e.g., by mailing copies to the person making the request or by allowing that person to inspect the records at the site where the records are maintained. If copies will be made the Act allows you to charge for the statutory costs of duplication. Currently, under the Los Angeles Administrative Code, the City charges $1.00 for the first page, and $.10 for every page thereafter. The Neighborhood Council’s obligation under the Act is to make the non-objectionable information available to the person making the request as reasonably prompt as possible.

3 In unusual circumstances and with proper notification, this 10-day deadline may be extended an additional 14-days.

4 The costs of duplication are passed on to the person making the request for records.
What are examples of information that is protected from disclosure under the Act?

The Act does prevent some information from disclosure. In order to protect information from disclosure, the Neighborhood Council must state the specific statutory basis under the Act for asserting its objection to releasing the information. There may be any number of records that may be protected from disclosure. In working with your Project Coordinator through the City Attorney’s Office, an analysis will be made evaluating the request for the public record, the records in the Neighborhood Council's possession, and the appropriate response that should be provided by the Neighborhood Council.

Although the following list is by no means exhaustive, it provides some examples of the types of public records that are protected from disclosure:

- Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

- Records pertaining to pending litigation

- Records of which the disclosure is exempt or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

In addition, the Neighborhood Councils may assert an objection under Government Code Section 6255 on the grounds that the public interest served by not making the record public clearly outweighs the public interest served by disclosure. Although it is difficult to anticipate the requests that might be made or the records that might be in the possession of the Neighborhood Council, it will be through your Project Coordinator that the Neighborhood Council will assure that its rights are protected.

What can happen if a Neighborhood Council refuses to comply?

A requestor can sue a Neighborhood Council and seek a court order that requires a Neighborhood Council to provide the requested records. If the requestor is successful, the court may require the City to pay the opposing side's costs and attorney's fees. The City may require that this payment be made from a Neighborhood Council's annual budget.

( #95936)
BOARD SELF-EVALUATION

Questionnaire: "How Does Your Neighborhood Council Board Measure Up?"

Rate your board using the following scale:

| 0 | No, this doesn’t exist on our board |
| 1 | We're working on it |
| 2 | Yes, we're on great shape on this one |

A. SELECTION AND COMPOSITION

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1. The board is composed of persons vitally interested in the work of the neighborhood council.

2. The board is representative of its constituency with regard to class, race, gender and sexual orientation.

3. There is a balance of new and experienced board members to guarantee both continuity and new thinking.

4. Board members have the combination of skills (e.g. fiscal, legal, leadership, management, etc) necessary to carry out their work.

5. The board has a pool of potential board members identified for the future.

6. The organization develops future board members through the use of volunteers on committees.

SUBTOTAL

B. ORIENTATION AND TRAINING

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7. There is a statement agreement outlining the duties and responsibilities of board members that all board members sign.

8. The board understand the legal framework and liability of the neighborhood council system.

9. Board members understand the organization's mission.

10. The board has clear goals and actions resulting from relevant and realistic strategic planning.

11. The neighborhood council provides an orientation for new board members.

12. The board supplies a board manual to all board members that includes, but is not limited to, description of current programs or events, a listing of board members, budget and NC funding information, bylaws, and standing/operation procedures.

13. The board makes training opportunities available for board members to increase skills related to their board responsibilities planned by the board and/or Empower LA.

SUBTOTAL

C. STRUCTURE AND ORGANIZATION OF THE BOARD

14. The board has a clear set of bylaws that describes the duties of board members and officers, as well as standing rules or operating procedures by which the board conducts its business.
15. The board has a mechanism (such as an executive committee) for handling matters that must be addressed between meetings.

16. The board elects a chairperson (or co-chairs) to provide leadership and coordinate the ongoing work of the board and its committees.

17. The board has active committees (e.g., outreach, land use, budget and finance, public safety) with specific assignments and responsibilities.

18. Committee assignments are reviewed and evaluated periodically.

19. Working relationships between the board chairperson/president and the board are strong and productive.

20. Board members and the community are clear about their respective duties and responsibilities.

21. Working relationships between elected officials, City Departments and Commissions, EmpowerLA and stakeholders and the board are characterized by mutual respect and rapport.

D. THE BOARD AT WORK

22. There are regularly scheduled meetings at least four times a year.

23. Meetings begin and end on time as per agreed-upon schedule.

24. There is adequate preparation and distribution of materials, including agendas, reports, minutes etc., in advance of board meetings.

25. Board meetings are characterized by open discussion, creative thinking, and active participation.

26. Board meetings deal primarily with event planning, policy advising, financial review, long and short range planning and evaluating the work of the board.

27. Committees are active and complete assigned tasks in a timely manner.

28. The board is aware of matters of community, state, and nationwide concern within the field of service of the board.

29. Board members accept and carry out assignments within the area of their talents and expertise in a timely manner.

30. The board ensures that the board’s accomplishments and challenges are communicated to stakeholders and elected officials.

31. All board members are involved in some aspect of planning a clear set of short and long term goals and priorities for the neighborhood council.

32. The board conducts an annual review of its own board and work.

E. FISCAL CAPACITY

33. The board takes the leadership role in utilizing an active treasurer, budget committee, in managing and auditing the NC Funding.

34. The board is doing a good job of ensuring that the neighborhood council is fulfilling its fiduciary responsibility.

35. The treasurer reports on a monthly basis to the board and stakeholders the status of its funding including paid expenditures, approved expenditures.
that are outstanding and the total remaining balance.

36. Board members receive financial reports and statements prior to the board member requiring their approval.

37. The board has a policy identifying the second signatory, purchase card holder, and treasurer.

38. The board approves and submits the annual budget and purchase card reconciliation reports by the prescribed dates and templates, and uses it to strengthen the council’s goals.

39. The board has sufficient well-trained board members in the NC Funding Program able to give leadership in completing NC funding program requirements to accomplish board goals and priorities in a transparent and accountable fashion.

ADD UP YOUR TOTAL SCORE

If your score is:

66-78: You're in great shape. You have a healthy board with good working relationships. You should considering sharing some of your secrets with the rest of us! (One of your secrets is that you realize that the work of developing an effective board is a lifelong process which includes relationship building, leading, managing, trust, listening, feedback, and living and breathing by the NC rules.)

54-65: You're on the way to a strong, effective board; pay attention to your weak spots, and involve the entire board in developing solutions.

38-53: You have lots of room for improvement. The board needs to prioritize areas to work on - both in the short and long term - make a plan, and work the plan!

Under 38: You're probably experiencing problems already. Now is the time to devote serious attention to ways to strengthen the structure, composition, and functioning of the board. If not, your goals, and ultimately the entire board, will suffer.
DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT
COMMISSIONERS & STAFF

BOARD OF NEIGHBORHOOD COMMISSIONERS
200 North Spring Street, Suite 2005, Los Angeles, CA 90012
(213) 978-1551 or 3-1-1 Fax (213) 978-1751

PAUL PARK, PRESIDENT

LEN SHAFFER    LINDA LUCKS    DOUGLAS EPPERHART
VICE PRESIDENT

KAREN MACK    DANIEL GATICA

Janet Lindo, Executive Administrative Assistant III, janet.lindo@lacity.org

DONE LEADERSHIP
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Grayce Liu
Interim General Manager

Janet Lindo, Executive Administrative Assistant III, janet.lindo@lacity.org

ADMINISTRATIVE SERVICES DIVISION
200 North Spring Street, Suite 2005, Los Angeles, CA 90012
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JEFFREY S. BRILL, SR. MANAGEMENT ANALYST II

Neighborhood Council Funding/Support Services
Armando Ruiz    Sr. Management Analyst I
Monique Collins    Clerk Typist
Sonya Calloway    Clerk Typist

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FIELD OPERATIONS DIVISION
200 North Spring Street, Suite 2005, Los Angeles, CA 90012
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ELECTIONS DIVISION
14410 Sylvan, 4th Floor, Van Nuys CA
(818) 293-8683 Fax (213) 978-1751

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HANC – HARBOR ALLIANCE OF NEIGHBORHOOD COUNCILS
They rotate their chair position each month - 1st Wed of the month.
Kaiser Permanente Way Harbor City - Community Outreach Portables,
25965 Normandie Ave. Harbor City at 6:30 p.m.
Contact: Diana Nave at diananave@earthlink.net to be scheduled on the agenda. Watts NC attends this coalition, too.

LANCC – LOS ANGELES NEIGHBORHOOD COUNCIL COALITION
They meet on the 1st Saturday of the month at the Hollywood Constituent Center, 6501 Fountain Ave. Los Angeles 90068 at 10 a.m.
Contact: Leonard J. Shaffer at lenjs@earthlink.net and Bob Gelfand at issuesbob@sbcglobal.net.

NECA – NORTH EAST CENTRAL ALLIANCE
There is no regular meeting date.
Contact: Paul Michael Neuman at pmneuman@yahoo.com and Jose Sigala at jose_sigala@yahoo.com.

NELA - NORTH EAST LA COALITION
There is no regular meeting date.
Contact: Philip Iglauer at ephilip2005@hotmail.com and Heinrich Keifer at hkeifer101@sbcglobal.net.

SLAANC – SOUTH LOS ANGELES ALLIANCE OF NEIGHBORHOOD COUNCILS
They meet on the 3rd Thursday of the month at the Community Health Councils - 3731 Stocker - Suite 201, Los Angeles CA 90008 at 6:30 p.m.
Contact: Lark Galloway-Gilliam at lark@chc-inc.org and Ted Thomas at pmhcc90043president@yahoo.com

VANC – VALLEY ALLIANCE OF NEIGHBORHOOD COUNCILS
They meet on the 2nd Thursday of the month at Sherman Oaks Hospital, 4929 Van Nuys Blvd., in the Doctor's conference room at 6:30 p.m.
Contact: Jill Banks Barad at jbbarad@roadrunner.com.

WRAC – WESTSIDE REGIONAL ALLIANCE OF COUNCILS
They meet on the 3rd Wednesday of the month at Dolores Restaurant - 11407 Santa Monica Blvd Los Angeles at 8:30 a.m.
Contact: Mike Newhouse at (310)795-3768.

PlanCheckLA – NEIGHBORHOOD COUNCIL PLANNING AND LAND USE GROUP
They meet on the 2nd Saturday of the month Exchange DTLA (formerly The Community Exchange) 114 W 5th Street, Los Angeles, CA 90013 at 10 a.m.
Contact: http://plancheckncla.com/