

CITY OF LOS ANGELES

CALIFORNIA

BOARD OF NEIGHBORHOOD COMMISSIONERS

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GENERAL MANAGER

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MINUTES

BOARD OF NEIGHBORHOOD COMMISSIONERS

REGULAR MEETING

MONDAY, SEPTEMBER 15, 2014 – 1:00 P.M.

**CITY HALL, 10TH FLOOR CONFERENCE CENTER
ROOM 1050, 200 NORTH SPRING STREET
LOS ANGELES, CA 90012**

COMMISSIONERS PRESENT

Karen Mack, President
Leonard Shaffer, Vice President
Joy Atkinson
Lydia Grant
Eli Lipmen
Victor Medina
Olivia Rubio

DEPARTMENT STAFF PRESENT

Grayce Liu, General Manager
Stephen Box, Senior Project Coordinator
Leyla Campos, Senior Project Coordinator
Janet Lindo, Executive Administrative Assistant

CITY ATTORNEY REPRESENTATIVE

Carmen Hawkins, Deputy City Attorney
Alois Phillips, Deputy City Attorney

1. Introduction (5 minutes)

ACTION: President Mack gave the introduction.

2. Call to Order and Commission roll call. (1 minute)

ACTION: President Mack called the meeting to order at 1:05 p.m. Commission roll was called by Janet Lindo. Commissioner Lipmen arrived at 1:20 p.m.

3. Approval of the Minutes of the Regular Meetings August 18, 2014, and of September 2, 2014. (Click on the link to view a copy of the document.) (3 minutes)

http://empowerla.org/wp-content/uploads/2014/09/08-18-14_revised_draft_COMMISSION-MINUTES.pdf

http://empowerla.org/wp-content/uploads/2014/09/09-02-14_draft_COMMISSION-MINUTES.pdf

ACTION: Commissioner Medina moved approval of the Minutes of the Regular meeting of August 18, 2014, as written. Commissioner Grant seconded the motion.

**VOTE: Ayes – 6 (Atkinson, Grant, Mack, Medina, Rubio, and Shaffer)
Nays – 0
Abstention – 0
Absent – 1 (Lipmen)**

TOTAL – Ayes 6 Nays 0 Abstention 0 Absent 1 Motion Carries X Fails

ACTION: Commissioner Shaffer moved approval of the Minutes of the Regular meeting of September 2, 2014, as written. Commissioner Grant seconded the motion.

**VOTE: Ayes – 6 (Atkinson, Grant, Mack, Medina, Rubio, and Shaffer)
Nays – 0
Abstention – 0
Absent – 1 (Lipmen)**

TOTAL – Ayes 6 Nays 0 Abstention 0 Absent 1 Motion Carries X Fails

4. Verbal update from a representative of the Office of the Mayor Eric Garcetti, Deputy Mayor Rick Cole. (10 minutes)

ACTION: None. This agenda item was taken out of order after agenda item no. 6. Deputy Mayor Rick Cole shared his thoughts and ideas and answered the Commission's questions re Budget Advocates and budget process.

5. General Public Comments - Comments from the public on non-agenda items within the Board's subject matter jurisdiction. This agenda item will last a total of 15 minutes and no individual speaker will be allowed more than three minutes. (15 minutes)

Public comment received from: this agenda item was taken out of order before agenda item no. 4.

Glenn Bailey – I do want to announce that normally on the first Saturday of the month we have several meetings that occur. This year that's Yom Kippur and so we, LAANC (LA Neighborhood Council Coalition) DWP MOU Committee, the normal day has been moved to two weeks later to October 18th which was the regular established meeting

day of the Budget Advocates so now it will be three on one day. Regarding Early Notification System compliance that we do continue to get Neighborhood Councils crossed off the list. Regarding community impact statements and council files I think we need to think about how we could include the Commission possibly in this. How we can maybe push those out to the Neighborhood Councils in a more broaden manner.

Tony Butka, Chair, Glassell Park Neighborhood Council Bylaws Committee, we had our elections back in May and had a really new crop of board members get elected. The officer's election was in July and we have at least two grievances request pursuant to our bylaws that have been sitting around since June with no resolution and no ability to put them on a Neighborhood Council agenda to achieve resolution and as you probably heard through other sources there are serious functional problems within that Neighborhood Council including the locking and padlocking of gates to prohibit a meeting taking place. I am here because I wrote a letter to you and included all of the background information dated September 4, 2014, and I didn't see it on the agenda and so I am appealing to BONC to attempt to tell DONE and the City Attorney's Office to allow us to process the two legitimate complaints pursuant to our bylaws which have been approved by this body, DONE and the City Attorney.

Jay Handal, Co-Chair of the Budget Advocates, October 11 will be regional budget day. It'll be in five locations around the city. The goal is to hear from all of our constituents, all of our stakeholders, all of the people out there, what they would like to see, what they feel is not happening that should be happening. We will be meeting with the Mayor on either the 28th or 29th of this month.

General Jeff, former Board of Directors member for the Downtown Los Angeles Neighborhood Council for three terms which is six years. There's a general consensus in our community that we are ready to take the next step in advancing our community and we wish to start our own Skid Row Neighborhood Council. We've been a part of DLANC for twelve years and our issues are simply not being addressed.

6. General Manager's Report. (10 minutes)
 1. Briefing on Departmental activities.
 2. Staffing, budget and other operational matters.

ACTION: Grayce Liu, gave her General Manager's Report.

- Funding – Monthly Expenditure Reports - 40 Neighborhood Councils have submitted, 55 have not submitted,
- Out of the 95 Neighborhood Councils, 84 Neighborhood Councils have full access to their funds, there's 2 that are still waiting for card pick up (bank hasn't issued yet) and 2 are waiting for us to actually deliver, 5 that are frozen for either the lack of appointed second signer of the treasurer, or they're in exhaustive efforts,
- The RFQ for the website is out,
- The RFP for online voting for the 2016 elections hopefully will be going out either this week or next week
- Field - Leyla Campos will be reconnecting with the areas that Joe Hari, oversaw, the Westside, Harbor, Central area and South LA,

- We still have 5 NEAs for the 95 Neighborhood Councils, the staffing level for the kind of support that Neighborhood Councils need is just not adequate at 5 NEA. One NEA is on leave, Barry Stone, and I'm not sure when we expect him back, but hopefully soon,
- Staff continue our training program with Neighborhood Councils,
- We are also working in partnership with the City Attorneys because they're starting their legal roundtables,
- Since March we've conducted 14 board retreats,
- There's now a NEA assigned to assist our admin support with the posting of agendas for Mondays and Fridays, hopefully that will alleviate some of the timeliness as a concern,
- Exhaustive Efforts – LA-32 and MacArthur Park, both are at the very last stage
- C4C - two assignments, in North Hills West and Greater Echo Park Elysian Neighborhood Council,
- Valley Resource Board – Sylmar Neighborhood Council is partnering to get help with a retreat,
- Continuing our partnership with the State Department, last month we had Africa, today we welcome Afghanistan for the second time,
- Congress – one staff dedicated to work with Congress, Tom Soong,
- Technology – Steven Box, kicked off the TUX Team (Technology User Experience),
- At the Congress, during the second session we'll be doing tech tools, how to wield your clout in the digital arena.

Public comment received from:

Glenn Bailey – discussion on website RFQ, my suggestion and request is that the RFQ be sent or linked as a direct PDF on the website and in the newsletter so people could look at it without having to register. Regarding the Early Notification System discussion earlier, in order for this to work we have to make sure the City's website is 100% and it's not.

Jay Handal – let's talk about Boyle Heights and Carlos, through C4C in the past, I've been out in Boyle Heights, I was the IEA out in the area. He reported himself at being at 2000 East 1st Street. He made a mistake, it's 2003 East 1st Street, and I had already submitted a letter last week from the people at that location saying, yes, he does go there, yes, he is part of it , and end of conversation and that should've been brought to Boyle Heights immediately so that the NEA could tell them what they needed to do and end it right there and then. C4C is a huge disappointment. This City has let volunteers down and continues to let volunteers down. We go by the SOP, we ask Neighborhood Councils to vote on it, they vote on it, the Department goes ahead and decide they can do it better so they send people in. The purpose is they don't have enough personnel and they need help. So by making sure that we don't go in they make sure they can't service the 95 Neighborhood Councils correctly. So volunteers are being shut out by this absolutely ridiculous charge that we're trying to take their jobs. This is my request:

- 1) Councils that don't have P-cards yet and can't use their money, I'd like a list of them.**
- 2) Councils who've had their money swept, I'd like a list of every Neighborhood Council that had their money swept and the amount of the money that was swept. Councils who**

gave to the Congress and Budget Advocates, I'd like a list of them, how much money they gave by Council. The name, Terrence Powell, Health Department, number two guy, call him he will tell you what to do on the wrap candies, the bottled waters, the food at your events.

7. Discussion and possible action regarding a proposed policy regarding Neighborhood Council Board Member Conduct, which will establish goals for behavior between Neighborhood Council members while conducting business. The Commission will evaluate whether Neighborhood Council board members will be required to sign that they have received a copy of the policy and, in addition, the Commission will evaluate any penalties for failing to sign the policy, including suspension and removal. (Click on the link to view a copy of the document.) (40 minutes)

http://empowerla.org/wp-content/uploads/2014/09/Draft-NCBM-Code-of-Conduct-Policy_-09-15-14.pdf

ACTION: Commissioner Shaffer moved to adopt the proposed Neighborhood Council Code of Conduct Policy:

WHEREAS, the Board of Neighborhood Commissioners (Commission) established Working Groups comprised of current and past Neighborhood Council members and Neighborhood Council stakeholders on January 26, 2013, to recommend changes to the Plan for a Citywide System of Neighborhood Councils;

WHEREAS, the Commission believes the following Code of Conduct (Attachment A) will address some of the concerns and recommendations of the Working Groups;

WHEREAS, the Commissioners recognize that a Neighborhood Council System that is physically and emotionally safe and secure for all Board Members promotes good citizenship, increases Stakeholder attendance and supports community engagement;

WHEREAS, Neighborhood Councils are required under Article II of the Plan for a Citywide System of Neighborhood Councils to be diverse, inclusive and open to all Stakeholders;

WHEREAS, the Board of Neighborhood Commissioners expects Board Members to conduct themselves in a manner in keeping with an established Code of Conduct and with a proper regard for the rights and welfare of other Board Members, Stakeholders, Committee Members, and volunteers;

WHEREAS, this Commission and others believe Neighborhood Council Board Members should be aware of other types of behavior such as sexual harassment, sexual, gender and age discrimination, "bullying," work place violence and other related conduct because it will help minimize improper conduct by making Neighborhood Council members aware of the harm that results from it;

WHEREAS, the Commission recognizes that improper conduct may occur within the Neighborhood Council System and among members of Neighborhood Councils;

WHEREAS, Section 902 (b) Article IX of the new Charter provides that the Board of Neighborhood Commissioners “shall be responsible for policy setting and policy oversight...and the promulgation of rules and regulations but not be responsible for day-to-day management.”

Now, therefore, be it resolved that the Board of Neighborhood Commissioners establishes this policy to inform Neighborhood Council members of that type of conduct which this Commission and others deem harmful to the Neighborhood Council system.

POLICY NUMBER:

2014-2

1. Neighborhood Council Board Members are required to read and sign a copy of the Code of Conduct attached as Exhibit “A”
2. On or before January 5, 2015, each Neighborhood Council Board Member shall provide a signed and dated copy of the attached Code of Conduct to the Department of Neighborhood Empowerment (Department) bearing their signature.
3. Thereafter each newly elected, re-elected or appointed Neighborhood Council Board Member shall provide a signed and dated copy of the attached Code of Conduct to the Department bearing their signature, within 30 days of the election being certified by the Department or within 30 days of being appointed.
4. Any Neighborhood Council Board Member who fails or refuses to review, sign, date and provide a copy of the attached Code of Conduct to the Department within the abovementioned time frames shall be suspended from their Neighborhood Council and shall not act on any matter that comes before their Neighborhood Council and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council.
 - a. The Department shall notify the Board Member of their suspension by sending a letter to their last known email address and/or physical mailing address.
 - b. The Department shall also notify the remainder of the Board Members by email and/or U.S. mail of the suspension of the Board Member.
5. If within 30 days of being suspended the Neighborhood Council Board Member does not provide a signed and dated copy of the attached Code of Conduct to the Department bearing their signature they shall be removed as a Neighborhood Council Board Member by the following procedures:
 - a. The Department will notify the Board Member of their removal by sending a letter to their last known email address and/or mailing address.
 - b. The Department will also notify the remainder of the Board Members by email and/or U.S. mail regarding the removal of the Board Member and that the Board Members position on the board shall be considered vacant.

- c. Any Board Member removed pursuant to this policy shall have the right to present to the Department evidence that he or she has in fact complied with this policy. The Department shall be the sole decision maker as to the sufficiency of the evidence submitted.

ATTACHMENT A

1. Neighborhood Council Board Members should conduct themselves in a professional and civil manner.
2. Neighborhood Council Board Members should treat other Board Members and members of the public with respect regardless of the other's opinion, ethnicity, race, religion, religious belief or non-belief, color, creed, national origin, ancestry, sex, sexual orientation, gender, gender expression, age, disability, marital status, income, homeowner status, renter status or political affiliation.
3. Neighborhood Council Board Members should not, during meetings, functions or events engage in or threaten to engage in any physical attack on any other individual.
4. Neighborhood Council Board Members should not use language that is threatening, obscene, or slanderous, including profanities, insults or other disparaging remarks or gestures directed toward other Board Members.
5. Neighborhood Council Board Members should promote and, if necessary, enforce a safe meeting environment. If other Board Members become disruptive or violate the Code of Conduct Neighborhood Council Board Members have agreed to abide by, Board Members should demand that the offending Board Member conduct themselves in a respectful and orderly manner.
6. Neighborhood Council Board Members should not engage in "bullying" or harassment which is generally defined as follows:
 - a) "Bullying" is conduct that meets all of the following criteria:
 - i. is reasonably perceived as being dehumanizing, intimidating, hostile, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
 - ii. is directed at one or more Board Members;
 - iii. is conveyed through physical, verbal, or technological means;
 - iv. substantially interferes with participation opportunities, benefits, or programs of one or more Board Members at Neighborhood Council sponsored activities or events;
 - v. adversely affects the ability of a Board Member to participate in or benefit from the Neighborhood Council programs or activities by placing the Board Member in reasonable fear of physical harm or by causing emotional distress; and,

- vi. is based on a Board Member’s actual or perceived protected characteristic (see 2 above), or is based on an association with another person who has or is perceived to have any of these characteristics.
- b) “Harassment” is conduct that meets all of the following criteria:
- i. is reasonably perceived as being dehumanizing, intimidating, hostile, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
 - ii. is directed at one or more Board Members;
 - iii. is conveyed through physical, verbal, or technological means;
 - iv. substantially interferes with participation opportunities, benefits, or programs of one or more Board Members at Neighborhood Council sponsored activities or events;
 - v. adversely affects the ability of a Board Member to participate in or benefit from the Neighborhood Council programs or activities because the conduct, as reasonably perceived by the Board Member, is so severe, pervasive, and objectively offensive as to have this effect; and,
 - vi. is based on a Board Member’s actual or perceived protected characteristic (see 2 above), or is based on an association with another person who has or is perceived to have any of these characteristics.

I have read and understand the Neighborhood Council Board Member Code of Conduct. I understand that if I fail to provide the Department of Neighborhood Empowerment with a signed and dated copy of this Neighborhood Council Board Member Code of Conduct I may be subjected to suspension and/or removal from my Neighborhood Council Board.

Name (Please Print) _____
Signature _____
Date _____
Neighborhood Council _____

Commissioner Grant seconded the motion.

**VOTE: Ayes – 7 (Atkinson, Grant, Lipmen, Mack, Medina, Rubio, and Shaffer)
Nays – 0
Abstention – 0
Absent – 0**

TOTAL – Ayes 7 Nays 0 Abstention 0 Absent 0 Motion Carries X Fails

Public comment received from:

James Baeza, Board Member, Coastal San Pedro Neighborhood Council, I appreciate General Manager, Liu, reminding us all that Neighborhood Councils are self-governing,

independent agencies. I am a board member of the Coastal San Pedro Neighborhood Council and this doesn't work for me.

Glenn Bailey – I do support the adoption of this policy.

Jay Handal – I think it's good that we have a mechanism for people to see what they should be doing, how they should be doing things the right way. I'm concerned about how we're gonna enforce the suspension and the removal situation.

Ivan Spiegel –I don't have a problem with the concept here. I think you've improved it since the last time I saw it. There's nothing here about penalty. I think if you're going to do this you should postpone this until you come up with the penalties.

8. Commission Committee Reports. (45 minutes)
 1. Ad Hoc Committee re ability of the Board of Neighborhood Commissioners to implement citywide policies (Members: Shaffer-Chair, Grant, and Medina)
 - a. Commission Policy Tracker
(Click on the link to view a copy of the document.)
http://empowerla.org/wp-content/uploads/2014/09/Commission-PolicyTracker_09-15-14.pdf
 2. Ad Hoc Committee re Leadership Development for Neighborhood Councils (Members: Rubio-Chair, Medina, and Shaffer)
 3. Ad Hoc Committee re Website development (Members: Grant and Lipmen)

ACTION: None.

Public comment received from:

Glenn Bailey – Grievance Complaint – City Council requested City Attorney to prepare a draft ordinance.

Subdivision – Pending in Educations and Neighborhoods Committee, continued to a date to be determined

Exhaustive Efforts – City Council adopted on April 29, 2014, requested City Attorney to prepare an Ordinance.

Information Network – City Council adopted on April 29, 2014, requested City Attorney to prepare and Ordinance.

Ivan Spiegel – (re Council Files) please check about the financial filing.

9. Commission Business - Comment from Commissioners on subject matters within the Board's jurisdiction. (15 minutes)
 1. Comment on Commissioners' own activities/brief announcements.
 2. Brief response to statements made or questions posed by persons exercising their general public comment rights/ask staff questions for clarification.
 3. Introduce new issues for consideration by the Commission at its next meeting and direct staff to place on the agenda.
 4. Ask staff to research issues and report back to the Commission at a future time.

5. Update on 2014 LA Congress of Neighborhoods

ACTION: None.

10. General Public Comments - Comments from the public on non-agenda items within the Board's subject matter jurisdiction. This agenda item will last a total of 15 minutes and no individual speaker will be allowed more than three minutes. (15 minutes)

Public comment received: None.

11. Adjourn

ACTION: Commissioner Medina moved that the meeting be adjourned at 4:25 p.m. Commissioner Mack seconded the motion. Commissioner Lipmen left the meeting at 3:50 p.m. Commissioner Grant left the meeting at 3:52 p.m.

**VOTE: Ayes – 5 (Atkinson, Mack, Medina, Rubio, and Shaffer)
Nays – 0
Abstention – 0
Absent – 2 (Grant, Lipmen)**

TOTAL – Ayes 5 Nays 0 Abstention 0 Absent 2 Motion Carries X Fails

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