



TARZANA NEIGHBORHOOD COUNCIL

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November 3, 2010

Commissioner Albert Abrams, President
Commissioner Daniel Gatica, Vice President
Commissioner Esther Cepeda-Hatch
Commissioner Carlene Davis
Commissioner John Kim
Commissioner Linda Lucks
Commissioner Karen Mack

Dear Commissioners,

I am sorry I will be unable to attend your meeting on November 3, 2010. I am writing this letter to address item number 6 on the Commission's November 3rd agenda.

The NCRC debated the issue of stakeholder definitions before recommending the one adopted by the City Council. The debate centered on whether to have an open definition or maintain the status quo. The majority of the commissions were in favor of what they saw as a more open and inclusive definition. The "factual basis" definition was meant to replace the long, but not all inclusive list of allowable stakeholders set out in the Plan. (See Art II, 1 of the Plan adopted May 30, 2001)

Some commissioners expressed fears that the proposed definition of stakeholder could lead to "hostile" takeovers of neighborhood councils. Their concerns were answered with the admonition that any such opportunity could be cured by a simple bylaws amendment. Members of the City Attorney's staff advised the commission that each stakeholder group had to be represented by at least one member of the neighborhood council governing board. Also, each stakeholder group had right to be able to vote for at least one board member position.

Based on that advice, the Tarzana Neighborhood Council amended its bylaws and created two new board seats to be filled by and voted on by "factual basis" stakeholders only. The language used by the Tarzana is as follows:

“All stakeholders who live, work, or own property within the neighborhood council boundaries are eligible to vote for “at large” representatives other than those designated as “reserved at large representatives”. Individuals claiming stakeholder status because of membership in a community based organization or by whatever other means, who do not “live, work or own property” within the neighborhood council boundaries, may run for and vote for the “reserved at large representatives” positions. Individuals whose stakeholder status is otherwise established because of their living, working or owning property within the neighborhood council boundaries, having the right to run for and vote for other board positions as set out in these bylaws, shall not be qualified to vote for or run for either of the two “reserved at large representatives” positions.”

As you can see, this limits the “factual basis” stakeholders to voting for and running for two specific board seats. They are represented as required but do not have the ability to be elected to board seats reserved for those who fall under the stakeholder definition from the Charter. (See Charter Art. IX, Sec. 906, (a) (2)) We felt this plan was justified based upon the different interests held by “factual basis” stakeholders and those who “lived, worked and owned property”. The language was approved by DONE and the City Attorney.

While this kind of bylaws treatment is open to other neighborhood councils some would have a problem amending their bylaws. If a majority of a neighborhood council’s board is currently made up of persons who are “factual basis” stakeholders, there would obviously be a problem getting them to amend their bylaws in a way that would diminish the majority’s power. That however is a subject for another day.

I hope this letter has been helpful. Again I am sorry I am unable to attend your meeting tonight, especially since it is in our next door neighborhood council’s area.

Sincerely,

Leonard J. Shaffer
President, Tarzana Neighborhood Council