



OPERATING POLICIES AND PROCEDURES

OF THE

BOARD OF NEIGHBORHOOD COMMISSIONERS

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## I. Purpose

The Purpose of this Operating Policies and Procedures Manual is to guide and direct the routine operations/functions of the Board of Neighborhood Commissioners (Board) in their duty to oversee policy development as it affects both the Board and the Neighborhood Councils. Additionally, this Manual is intended as a resource, which codifies all policies that have been officially adopted by the Board of Neighborhood Commissioners during a duly noticed, public meeting.

For purposes of this Manual and in the interest of public policy, Board Policy is defined, as follows:

“A system of laws, regulatory measures, and courses or methods of action concerning a given topic and promulgated by a governmental entity, which are intended to guide and determine present and future decisions.”

## II. General

### 2.1 Applicable Charter Provisions

#### 2.1 (a) Charter requirements

Board actions shall be taken in accordance with Charter Sections 502, 503, 508, 510, 902 and all other applicable regulations enacted by Ordinance. (See Appendix A)

### 2.2 Charter Section 902

#### 2.2 (a) Responsibility

Section 902 of the Los Angeles City Charter establishes a requirement for a board of seven commissioners to be known as the Board of Neighborhood Commissioners, appointed by the Mayor and removable in accordance with Charter Section 502. Each Commissioner is required to be from a diverse geographical area.

Charter Section 902  
LAAC 22.805-6

The Board is responsible for policy setting and policy oversight and promulgates rules and regulations that implement Board policy. Every order or resolution adopting a rule of general application is required to be published once in a daily newspaper and takes effect upon publication. It is to be followed by the public.

#### 2.2 (b) Contract Authority

The Board is responsible for the prudent leases and contracts consistent with approved city policy and/or previously approved actions by this Commission in the amount of \$20,000.00 or more. (Adopted via Board Resolution dated December 20, 1999.)

Charter Section 902  
LAAC 22.806

2.2 (c) Department Responsibility

Charter Section 902  
LAAC 22.806

The Board is not responsible for the day-to-day management of the Department of Neighborhood Empowerment, nor any duties enumerated for the General Manager of the Department. In cases where the proposed contract requires Board approval, the Department will provide a staff report for the Board's consideration at a public meeting.

2.3 **Charter Section 504**

2.3 (a) Commission Executive Assistant to the Board

Charter Section 504

The General Manager is required to appoint a Department employee, other than a Member of the Board, to serve as secretary to the Board. The Secretary (Commission Executive Assistant) is required to perform such duties as assigned by the Board.

2.4 **Applicable Ordinances Implementing Article 9 of the Charter**

2.4 (a) Ordinance 172728

Ordinance numbers 172728, now codified under Los Angeles Administrative Code, Section 22.800 established the Department of Neighborhood Empowerment and set forth duties of the Board.

2.4 (b) Ordinance 173184

This Ordinance created the Department of Neighborhood Empowerment fund on April 14, 2000, for the startup and functioning of Neighborhood Councils and is administered by the General Manager.

2.4 (c) Ordinance 174006

The Ordinance, adopted May 15, 2001, as amended by Ordinance No. 174975 on November 8, 2002, (amending Section 7 of the Ordinance), implemented regulations set forth in the Plan (adopted May 30, 2001) for a Citywide System of Neighborhood Councils.

2.4 (d) Ordinance 175937

The Ordinance, adopted on April 14, 2004, amended Sections 22.535 and 22.801 of the Los Angeles Administrative Code transferring administrative responsibility for leasing and rental of office and meeting space on behalf of the City's certified Neighborhood Councils from the Department of General Services to the Department of Neighborhood Empowerment.

2.5 **Board Authority/Duties**

2.5 (a) Board Composition

The Board should be comprised of members who reflect the diversity of communities of interest, neighborhoods, ethnicity, race, gender,

age and sexual orientation (LAAC, Section 22.805)

The Board is required to appoint from its members a president and vice-president, each holding office for one year or until their respective successors are elected or unless their service is terminated earlier (LAAC, Section 22.808)

2.5 (b) Brown Act Requirements

All meetings of the Board shall be open to the public. The requirements of the Ralph M. Brown Act (Government Code Sec. 54950-54962) shall govern all such meetings. (See Appendix B)

2.5 (c) Rules of Order of the Board of Neighborhood Commissioners

Generally, all meetings of the Board will be in accordance with Rules adopted and revised by the Board on 2/9/00; 4/18/00 and 5/16/00. (See Appendix C) The President or presiding member of the Board shall determine all questions of procedure and order. Parliamentary formality shall not be required, however Robert's Rules of Order shall be utilized as a guideline to resolve any procedural questions. Any issues involving a potential conflict of interest of a Board member may be referred to the Board's legal counsel for advice and determination, unless otherwise specified herein (see Appendix D-1)

2.5(d) Meeting Schedule and Policy Meetings

At least two regular meetings shall be held each month, as specified in the aforementioned Rules of Order, Appendix C. One meeting per month shall primarily be designated as a Policy Meeting whereby the Board considers and will render findings on matters requiring research, interpretation, and implementation of the enacting Charter, Ordinance and Plan for a Citywide System of Neighborhood Councils. Meetings may be added or deleted at the direction of the President of the Board. Special meetings may be called by the President, or by a majority of the Board Members.

The Board is required to hold regular public meetings at least twice a month and in a municipal or other facility open to the public, per Charter Section (503 (b)). The Board may hold meetings more often if necessary to conduct business.

2.5 (e) Presiding Officer

The President shall preside at all meetings. During the absence of the President the Vice President shall preside, and in the absence of the President and Vice-President, the Board members shall elect a temporary chair, pursuant to the Rules of Order, Appendix C.

2.5 (f) General Manager Attendance and Reporting

It is the desire of the Board that the General Manager or a designee attend all Board meetings. The Board may request that the General Manager provide a written report to the Board on specific policy items under their jurisdiction.

2.5 (g) Hearing Reporter and/or Recording of Meeting

All meetings of the Board will be tape-recorded and, when deemed necessary by the General Manager or designee, a hearing reporter shall be present at hearings conducted by the Board. The Commission Executive Assistant will retain copies of all hearing tapes and hearing transcripts in Department offices.

2.5 (h) Quorum

A quorum requires at least four members in attendance, smaller number may adjourn from time to time until a quorum is present (Board Rules # 6 Reference Attachment).

Any power conferred upon the Board is required to be exercised by order or resolution and must be adopted by a majority of the Board's members and recorded in the Board's minutes (Board Rules # 22 Reference Attachment).

The Board acts as a as a quasi-judicial body with respect to approving or disapproving petitions to certify a community group as a Neighborhood Council for the City of Los Angeles.

2.4 (i) Ad Hoc Committees

The Board may establish a committee or committees provided the committee so established is composed of three or fewer of its members, to consider matters for, to conduct hearings on behalf of and to make recommendations to the Board (Board Rules # 29 Reference Attachment).

2.5 (j) Attendance Fees

Members of the Board shall be compensated at the rates established in the Administrative Code. The rate shall be applied once each day or portion thereof, of actual attendance at a Board meeting. Board members are paid \$50.00 per meeting attended, not to exceed \$250, except as approved by the Mayor.



### III. BOARD OVERSIGHT PROCEDURES

#### 3.0 **Applicable Charter Provisions**

Section 901 of the Los Angeles City Charter requires the department of Neighborhood Empowerment, including the General Manager and the Board to implement and oversee the ordinances and regulations creating the system of Neighborhood Councils.

#### 3.1 **Board Oversight**

The Board shall periodically review the citywide system of Neighborhood Councils, conduct public hearings to seek input from the various constituencies regarding various concerns, issues and problems to be addressed, and develop policies to improve the program. It does not serve as an enforcement body nor does it resolve complaints based on presented facts. Complaints which cannot be resolved by the Commission adopting a policy should be directed to the City entity authorized to resolve those problems.

#### 3.2 **Annual Review**

Section 1M of the Ordinance requires the Department to conduct an annual review and evaluation of the Neighborhood Council System. As part of its policy oversight, the Board shall have input into this reporting process and review and discuss the Department's report at a Commission meeting.

#### 3.3 **Quarterly Review**

Section 1M of the Ordinance requires the Department to report quarterly to the appropriate City Council Committee, on certification efforts, and strategies and recommendations regarding the policy for certifying areas with traditionally-low rates of civic participation in government, so as to encourage more civic participation. As part of its policy oversight, the Board shall have input into this reporting process and review and discuss the Department's report at a Commission meeting.

#### 3.4 **Process**

Any Board committees established shall be made public by the Department. Through the Commission Executive Assistant, questions and comments may be addressed to the Committee members for potential consideration, provided that such comments and questions are addressed to broad policy matters for the Board's ultimate consideration.

#### 3.5 **Focus Groups**

The Committees may confer with members of the public for consultation or expertise.

### **3.6 Committee Reporting**

Each committee shall report back to the Board on a regular basis to be decided by the Committee, updating the Board as to its progress and status of recommendations.

### **3.7 Liaison with other City Departments**

Board committees may delegate at least one member to act as Committee liaison between a department of the City on matters that are related to the jurisdiction of that Department.

### **3.8 Delegation of Authority**

From time to time, the Board may delegate its rule-making authority under Charter section 902 to the General Manager. In those circumstances, the Board will set forth the limited function being delegated.

## **IV. Establishment of Commission Policy**

### **4.1 Plan and Ordinance for Citywide System of Neighborhood Councils**

At the beginning of each fiscal year, the Board, upon the recommendation of the General Manager or designee, will determine those outstanding matters of policy that impact the certification, development and implementation of Neighborhood Councils and their attendant processes. An ongoing schedule of the required policy matters will be coordinated by the Commission Executive Assistant in collaboration with Department staff, the Board and the affected communities, Neighborhood Councils and other governmental and community entities.

### **4.2 Policy Matters**

#### Early Notification to Neighborhood Councils

It is the goal of the Board to ensure that Neighborhood Councils are notified and provided detailed staff reports, as soon as available, regarding all items affecting Neighborhood Councils that appear on the Board Agenda.

- 1 To that end, items wherein the input of Neighborhood Councils is critical to Board discussion, policy development and implementation, the Board Agenda will be published and distributed to all Neighborhood Councils no less than ten (10) days prior to the scheduled Board meeting.
- 2 Written input from Neighborhood Councils will be provided to the Commission Executive Assistant no later than five (5) days prior to the scheduled Board meeting.
- 3 A specific sub-agenda item for the identified topic will be listed on the Board meeting agenda wherein both written and verbal input will be taken. (The sub-agenda item will be entitled Neighborhood Council Community Impact Statement.) **Note: this sub-agenda item**

**does not replace, but is addition to the Public Comment period required by the Brown Act on all agenda items.**

- 4 Neighborhood Council Speakers will be permitted to address the topic for two (2) minutes, unless the Board determines that the time limitation warrants extension for good cause.
- 5 The Board will hear and consider all relevant evidence submitted and may either:
  - o Make a finding and determination on the matter, or
  - o Take the information presented under advisement and continue the item in order to render a decision at the next scheduled Board meeting.
- 6 The Commission Executive Assistant will transmit all applicable findings and determinations by the Board to the Mayor's Office or City Clerk, depending on the nature of the item being considered and any subsequent action that may be required.

## **V. Quasi-Judicial Matters and Commission Scope**

### **5.1 Definition**

Quasi-judicial matters are those where the government's action affecting the individual(s) are determined by facts peculiar to the individual case as distinct from governmental decisions that involve the broad applicable rules of conduct on the basis of general public policy. As a general rule, quasi-judicial matters require an evaluation of the evidence, decisions based on substantial evidence and the adoption of written findings to support the decision.

### **5.2 Scope of Matters**

The matters within the Board's jurisdiction that are quasi-judicial in scope are:

### **5.3 Certification of Neighborhood Councils;**

### **5.4 Decertification of Neighborhood Councils;**

### **5.5 Boundary Adjustment Petitions.**

## **VI. Certification of Neighborhood Councils**

### **6.1 General**

The purpose of certification is to officially recognize Neighborhood Councils so that they may have an official advisory role on issues of concern to the neighborhood. The Neighborhood Council, however, is free to exert its influence upon any issue concerning any part of the City of Los Angeles and upon the City's decision-makers as identified in Charter Section 907.

## 6.2 Certification Application Processing

The certification process is to be conducted according to the requirements listed in Section 3 of Ordinance 174006 and as detailed herein.

### 6.2 (a) Definitions

- (i) "BOARD" means the "Board of the Neighborhood Commissioners"
- (ii) "PUBLIC HEARING" means an opportunity for the Board to receive comments and take testimony from parties, discuss, deliberate and take action on the case at hand.
- (iii) "PARTY" means any person interested in the proceedings including the Board, Department representative(s) acting in official capacity, applicant, respondent, and other.
- (iv) "APPLICANT" means people listed in Attachment C, Contact Liaison Roster of the Neighborhood Council Certification Application.

### 6.2 (b) Applications and Documentation

All certification applications shall be filed in writing on forms prescribed by the Department of Neighborhood Empowerment. Applicants and applicant groups shall be responsible for furnishing all required documents needed to process and verify application eligibility and completion. Failure to provide the required documentation or cooperate with processing requirements shall be the basis for application disapproval by the department until the minimum application requirements are met, at which time the application may then be resubmitted.

### 6.2 (c) Authority of Board and General Manager

The General Manager or designee shall present to the Board all eligible certification applications, corresponding staff reports, supporting documentation and staff recommendations. The Board shall approve all properly qualified Neighborhood Council Applicant Groups as Certified Neighborhood Councils. The General Manager shall adopt procedures for the submission, verification and withdrawal of Neighborhood Council certification applications and shall provide recommendations to the Board to assist them in rendering a determination for Neighborhood Council certification pursuant to the requirements specified in the Charter, Ordinance and Plan.

### 6.2 (d) Certification Application Process

The Board shall conduct hearings for all Neighborhood Council

certification applications pursuant to the requirements and timelines detailed in the Plan and Ordinance. In order to expedite the application and negotiation process, the Board or Department may direct the appointment of a mediator to facilitate negotiations, as deemed necessary. The applicant has the burden of proof with respect to advocating certification of the Neighborhood Council Applicant Group.

- (i) The General Manager or designee shall provide all relevant evidence and records, including census data, maps and other corresponding information that the Board may require for the hearing process, and shall make a written recommendation to the Board on whether the Applicant Group should be certified or disapproved as a Neighborhood Council.
- (ii) All communication with the Board relating to any aspect of a pending certification application shall only be through Department staff via the Commission Executive Assistant. Under no circumstances shall Neighborhood Council applicant group or representative directly contact or provide materials or documents to a Board Member and to that end, all materials or documents to be reviewed by the Board shall first be submitted to the Department for inclusion in the applicant's file and then forwarded to the Board members in conjunction with the Neighborhood Council Certification Application and Supporting Staff Packets and upon consideration of the entire matter at the scheduled Board hearing.

6.2 (e)

Evidence

All evidence to be presented in preparation for a posted and scheduled certification hearing must be received by the Department no later than ten (10) working days prior to the hearing date, although the Board may waive this requirement upon showing that no prejudice to any party will result. Any document submitted for inclusion and consideration in the Neighborhood Council Application File shall first comply with the following guidelines:

- (i) The document must contain the name of the author, the date of preparation and where the author can be contacted. The document cannot contain any information or statements

made by anyone other than the author unless the source is identified.

- (ii) Nothing in this rule shall prevent the admission of material that is relevant, reliable and helpful to the better understanding of the application, even though it does not strictly comply with the above guidelines.

### **6.3 Certification Hearings**

#### **6.3 (a) Notice of Hearing**

The application will be set for a public hearing in accordance with Section 3C of Ordinance 174006.

The General Manager is responsible for posting public notices of the hearing, and in serving notices on the Applicant, adjacent or overlapping groups, and those citing Sec 54954.1 of the California Government Code, at least 15 days prior to the date scheduled for the hearing. The notices shall comply with Section 3C of the Ordinance 174006.

If feasible, the General Manager shall arrange for the hearing to be conducted within the prospective boundary of the Applicant Group. (Plan and Ordinance, Section 3C) Consideration should be given to the Applicant Groups when setting meeting dates to maximize the attendance of interested parties.

#### **6.3 (b) Testimony**

All testimony shall be directed to the Board. There will be no direct exchange of dialog between applicant, supporters, and/or opponents.

#### **6.3 (c) Exhibits Presented at Time of Hearing**

Persons addressing the Board have the right to introduce exhibits that become part of the public record at the Hearing. Ten (10) copies of all exhibits, folded or reduced to no more than 8 1/2" x 11", shall be made available to the Commission Executive Assistant prior to the start of the Public Hearing. Preferably, anyone submitting an exhibit should make an attempt to submit such an exhibit to the Commission Executive Assistant at least ten calendar days prior to the public hearing date so that it can be distributed to the Board member in advance of the Hearing (see Rule 3.4.C above)

#### **6.3 (d) Board Hearing Procedures**

Certification Hearings will be conducted in the following manner:

- (i) The President or presiding officer shall call the case name and description of the matter as written on the agenda.
- (ii) The General Manager or designee shall present the staff report to the Board and the Board members may ask questions staff about the content of the staff report.
- (iii) The President or presiding officer shall then open the "Public Hearing." The applicant(s) shall present their case in any manner they deem appropriate. The applicant shall be required to indicate whether the file is complete and whether there are any objections to evidence contained in the file.
- (iv) The applicant's presentation shall be limited to a total of fifteen (15) minutes. At the end of the fifteen-minute period, the Board, by majority vote, may extend the time allotted to the applicant's presentation by an additional ten (10) minutes.
- (v) The Board members may ask questions of the applicant related to the material presented by the applicant or contained in the staff report.
- (vi) The President or presiding officer shall then commence with the testimony from members of the public. Each member of the audience wishing to address the Board in support of the application has a maximum of three (3) minutes, or other time limit the President deems fit, to provide comments. The total time allotted for comments in support of the application shall be limited to a maximum of forty-five minutes. At the end of the forty-five minute period, the President, at their discretion, may extend the time allotted to the supporter's presentations by an additional fifteen (15) minutes, if the Board finds that additional testimony will add to the understanding of the merits of the application.
- (vii) The Board will then hear comments from people with concerns with or in opposition to certification of the application. Each member of the audience wishing to address the Board with concerns or in opposition to the application shall have a maximum of three (3) minutes, or other time limit the President deems fit, to provide comments. The total time allotted for comments of concern or opposition to

the application shall be limited to a maximum of forty-five minutes. At the end of the forty-five minute period, the President, by their discretion, may extend the time allotted to the opponent's presentations by an additional fifteen (15) minutes, if the Board finds that additional testimony will add to the understanding of the concerns with or objections to the application. After all testimony has been received, the Applicant Group shall be given the opportunity to provide a summation and/or rebuttal, as necessary.

(viii) After hearing all the testimony presented, the President or presiding officer shall close the "Public Hearing."

- 6.3 (e) In considering the Plan's components for approving certification, the Board will consider, but is not limited to the following factors:
- Whether the rationale for the boundary is reasonable in relation to the requirements of the Plan and Ordinance and consistent with the policies adopted by the Board as set forth in Board Policy Number \_\_\_\_ (citation to Appendix);
  - Whether the outreach strategy of the Applicant presents reasonable likelihood that the entire stakeholder community is reflective of the broadest array of stakeholders;
  - Whether the governance structure and operations will presents a reasonable likelihood that the governing Board of the Neighborhood Council will reflect and represent the diverse interests of the community;
  - Whether the Neighborhood Council(s) will be accountable for their finances and not misuse public funds;
  - Whether the Applicant has demonstrated, and will continue to provide, open and public opportunity for every stakeholder to participate in the conduct of business, deliberation and decision-making.

- 6.3 (f) Deliberations by Board  
The Board will then deliberate and proffer a motion (See Appendix D) to make a determination and findings on the proposed Neighborhood Council Certification application, consistent with the requirements of the Plan and Ordinance. With the consent of the applicant, the Board may continue the Public Hearing or their



deliberations to the next regularly scheduled meeting, in order to obtain additional information or testimony.

6.3 (g) Board Action

The Board shall approve or disapprove Neighborhood Council certification applications in accordance with applicable Charter, Ordinance and Plan provisions, case law City Attorney opinions, and based upon substantial evidence presented.

6.3 (h) Official Notice of Board Action

The Commission Executive Assistant's official notification of the Board's action, shall be communicated in writing in the form of a Determination Letter, as soon after the hearing as possible, but no later than 10 working days subsequent to the Board Hearing.

6.3 (i) Finalization of Board Action

Per City Charter Section 245, the action shall become final at the expiration of the next five meeting days of the Council during which the City Council has convened in regular session, unless the City Council acts within that timeframe by two-thirds vote to bring the action before them or to waive review of the action.

6.3(j) Exhaustion of Administrative Remedies

Agenda Items challenged in Court may be limited to raising only those issues that were raised at the public hearing or in written correspondence on agendized matters and delivered to the Department at or prior to the public hearing. California Code of Civil Procedure Section 1094.6 governs the time in which a party may seek judicial review of the determination. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5 only if the petition for Writ of Mandate pursuant to that section is filed no later than the 90<sup>th</sup> day following the date on which the City's decision became final.

6.3 (k) Reconsideration

Notwithstanding Rule #24 of the Rules of Order (Appendix C), the Board may make a MOTION TO RECONSIDER and alter its action taken on any item listed on its agenda at any time during the same meeting, or make a MOTION TO RECONSIDER at its next regular meeting, as follows:

- (i) A motion for reconsideration may be made only by a Board member who had previously voted on the prevailing side.

- (ii) The Board may reconsider with a different complement of members and it may rehear the matter and consider new facts in making a reconsidered decision; however, a matter may be reheard only once.
- (iii) If the Board moves and approves a Motion for Reconsideration at the **initial** meeting wherein an action was taken, then the underlying item may be reconsidered at that time.
- (iv) If the Board moves and approves a Motion for Reconsideration at **the next regular meeting** then consideration has been placed on that meeting's agenda. If the underlying item for reconsideration has not been placed on the agenda for that next regular meeting, then it shall be considered at a subsequent meeting pursuant to the Ralph M. Brown Act.
- (v) A reconsideration of a Neighborhood Council Certification may be warranted, including but not limited to, permitting correction of hasty, ill-advised or erroneous action or to take into account added information or changed situation.

#### **6.4 Appeals of Certification**

A Board decision to grant Certification is final and may not be appealed to another body. A denial of Certification may be appealed to the City Council, pursuant to the rules set forth in the Plan and Ordinance (citation).

#### **6.5 Modification of Certification Hearings of Neighborhood Councils**

##### 6.5 (a) General

The Commission may hear applications to modify the Certification Determination pursuant to an approved petition filed with the Department. The grounds for a modification to a Certification Determination include when the Department determines that the proposal is a necessary change so that the Neighborhood Council may proceed with its initial elections

##### 6.5 (b) Process

The General Manager is responsible for receiving and processing the Application for Modification of Certification Determination, analysis of the impact of the Modification, and preparing a Staff Report for the Board with a recommendation for Board action.

#### **6.6 Amendments to Bylaws of Neighborhood Councils.**

##### 6.5 (a) General

The Commission may hear applications to amend the Neighborhood Council's adopted bylaws pursuant to an approved petition filed with the Department. The grounds for an amendment to adopted bylaws include when 1) the Department determines that the proposal is a necessary change so that the Neighborhood Council may proceed with its initial elections and 2) the Department determines that the proposed change causes any material change or immaterial changes to the bylaws when compared to the bylaws as they existed at the time of certification.

The Commission may also hear applications to amend bylaws of Neighborhood Councils when the Department determines that the changed bylaws are inconsistent with the principles governing a certified Neighborhood Council's purpose or operations, according to the Department's evaluation. Plan, Article V, Section 3.

- 6.5 (b) Process  
Amendments to bylaws of Certified Neighborhood Councils are to be processed in accordance with the Plan.

The General Manager is responsible for receiving and processing the Application for Amendment of Bylaws, analysis of the impact of the amendment, and preparing a Staff Report for the Board with a recommendation for Board action.

## **VII. Decertification of a Neighborhood Council**

### **7.1 General**

Decertification of a Neighborhood Council may be voluntary or involuntary, and may occur for a variety of reasons. Involuntary decertification may be initiated by the General Manager as a result of unresolved complaints that result in a violation of the Plan as set forth in the Plan and Ordinance. Plan, Article V, Section 5; Ordinance, Section 5. Voluntary decertification may be brought by the Neighborhood Council itself for a variety of reasons by filing an application signed by at least  $\frac{3}{4}$  of the governing body of the Neighborhood Council seeking decertification.

### **7.2 Involuntary Decertification**

- 7.2 (a) Responsibility of the General Manager  
Once the Department has determined that steps pursuant to the Subsection A of the Ordinance (complaints concerning Neighborhood Councils) and Article V, Subsection 4 of the Plan, to bring Neighborhood Councils in compliance with Plan have not been successful, the Department may initiate decertification by taking the

steps set forth in Article V, Section V of the Plan.

7.2 (b) Board Responsibility

The Commission may de-certify a Neighborhood Council based upon a finding that the Neighborhood Council has failed to demonstrate the willingness or ability to comply with the provisions of the Plan or a finding that the Neighborhood Council is unwilling or unable to comply with applicable local, state, or federal laws.

7.2 (c) Determination Letter

Within 10 days of the Commission's action, the Commission Executive Assistant shall issue a Determination letter to the applicants reflecting the Commission's decision.

7.2 (d) Appeals

If the Commission decertifies a Neighborhood Council, the Neighborhood Council may file an appeal with the City Clerk. Should an appeal be filed with the City Clerk the Commission Executive Assistant shall transmit the Commission record to the City Clerk. The City Council may by ten votes, sustain, reverse, or modify the Commission's decision to decertify the Neighborhood Council.

**7.3 Voluntary Decertification**

7.3 (a) Responsibility of the General Manager

Once the Department has satisfied the steps pursuant to Article V, Subsection 6 of the Plan, the matter will be set for public hearing before the Commission. The hearing should be conducted within the boundaries of the Neighborhood Council and noticed according to the provisions in the Plan and Ordinance.

7.3 (b) Commission Responsibility

The Commission shall act on the decertification application within 10 days after the expiration of the 15-day notice period unless the Commission's next regularly scheduled meeting does not fall within this 10 day period, or unless the Commission and the Neighborhood Council agree to an extension of time. Requests for an extension of time should be filed with the Commission Executive Assistant and agenda'd at the next regularly scheduled board meeting.

The Commission may decertify based on a finding the Neighborhood Council presented the following: 1) evidence of the processes used for outreach to stakeholders and the involvement of the stakeholders in the decision to certify 2) evidence that stakeholders in the Neighborhood Council area have been surveyed on the

Neighborhood Council decertification 3) evidence that the Neighborhood Council's governing body has widely publicized within the Neighborhood Council area the fact that there is an application for decertification pending before the Commission in its Neighborhood Council area; and 4) evidence that the Neighborhood Council took its formal action on the decertification after giving a 15 day public notice.

7.3 (c) Determination Letter

Within five days of the Commission's action, the Commission Executive Assistant shall issue a Determination letter to the applicants reflecting the Commission's decision.

7.3 (d) Appeals

If the Commission denies the decertification application of a Neighborhood Council, the Neighborhood Council may file an appeal with the City Clerk. Should an appeal be filed with the City Clerk the Commission Executive Assistant shall transmit the Commission record to the City Clerk. The City Council may by ten votes, sustain, reverse, or modify the Commission's decision to deny the decertification application of the Neighborhood Council.

In addition to these findings, the Commission may decertify upon a finding that  $\frac{3}{4}$  of the governing body of the Neighborhood Council has consented to the decertification.

## VIII. Boundary Adjustments

### 8.1 General

A Certified Neighborhood Council may petition the Commission to adjust its boundaries to include an uncertified, adjacent community, to reconfigure, based on population increase or decrease, or to increase or reduce a certified Neighborhood Council's size to increase effectiveness and efficiency.

### 8.2 General Manager Responsibilities

Upon review by the Department, the petition and the Department's recommendation shall be forwarded to the Commission for its consideration at its next regularly scheduled meeting. The Commission Executive Secretary shall set the matter for public hearing upon posting of a 15-day notice within the boundaries of the Neighborhood Council.

### 8.3 Commission Responsibility

The Commission shall consider the Department's recommendation, review the petition and determine whether the petition meets the requirements of the

Ordinance and Article V, Section 2 of the Plan.

**8.4 Determination Letter**

Within 10 days of the Commission's action, the Commission Executive Assistant shall issue a Determination letter to the applicants reflecting the Commission's decision.

**8.5 Appeals**

If the Commission disapproves the petition, the Neighborhood Council may file an appeal with the City Clerk. Should an appeal be filed with the City Clerk the Commission Executive Assistant shall transmit the Commission record to the City Clerk. The City Council may by ten votes, sustain, reverse, or modify the Commission's decision to disapprove the boundary adjustment petition.

**IX. Incorporation**

**9.1 Commission Initiated**

The Board may establish policies to determine when incorporation will be initiated by the Board. 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 Neighborhood Council into the boundary of another adjoining certified Neighborhood Council.

9.1 (a) Responsibility of General Manager

The Department shall periodically conduct a review of the Neighborhood Council program and make recommendations to the Commission for areas of the City to be incorporated in another certified Neighborhood Council's boundary. The Department's recommendations shall be forwarded to the Commission for consideration at a public meeting.

9.1 (b) Commission Responsibility

The Commission may expand a certified Neighborhood Council's boundary upon a finding that:

1. The proposed area to be incorporated into a certified Neighborhood Council's boundary lies between two or more certified Neighborhood Councils;
2. The area to be incorporated does not qualify for certification under the provisions of the Plan and;
3. Community stakeholders of the area to be incorporated or of the affected certified Neighborhood Council(s) agree to the proposed incorporation.

The Commission's determination is final; there is no appeal to City Council.

## 9.2 Initiation by Petition

The incorporation of an area into an existing certified Neighborhood Council's boundary must be agreed to by community stakeholders of the area to be incorporated and the affected certified Neighborhood Council prior to consideration by the Commission.

### 9.2 (a) Responsibilities of the General Manager

The Department shall, within 20 days of receipt, review and evaluate the incorporation request, including proof of agreement by the community stakeholders of the area to be incorporated and the affected Neighborhood Council.

*Suggest Board Policy re: criteria and threshold for proof of agreement by community stakeholders.*

*Also, what is the policy for outreach to these stakeholders? Who has the responsibility to do this? Do you care if there is proper outreach done?*

After determining that the petition is complete, the Department shall forward the incorporation petition and its recommendation to the Commission for consideration. If the Department fails to provide an evaluation or recommendation within 20 days of receipt, the petition shall automatically be forwarded to the Commission for consideration.

The Department shall post notices of the petition in accordance with Article V of the Plan.

### 9.2 (b) Commission Responsibility

The Commission shall consider the recommendations of the Department and proof of consent to the incorporation petition at a public hearing. The Commission may approve or disapprove the petition but must act within 10 days after the expiration of the 15 day posting period.

### 9.2 (c) Appeals

If the Commission disapproves the petition, the applicant/petitioner may file an appeal with the City Clerk. Should an appeal be filed with the City Clerk, the Commission Executive Assistant shall transmit the Commission record to the City Clerk. The City Council may by ten votes, sustain, reverse, or modify the Commission's decision to disapprove the petition.

**APPENDIX A**

Charter Provisions  
502, 503, 508, 510, 902

Ordinance  
172728, 174006, 174975



**APPENDIX B**

Ralph M. Brown Act Summary

***(attached)***

**APPENDIX C**

Rules of Order of the Board of Neighborhood Commissioners

***(attached)***

## APPENDIX D

### Standard Motion Language

#### 2 APPROVAL OF STAFF RECOMMENDATION:

- ADOPT the findings as contained in the Staff Report and MOVE TO CERTIFY the applicant as the \_\_\_\_\_ Neighborhood Council.
- ADOPT the findings as contained in the Staff Report and MOVE TO DISAPPROVE the application for certification.
- APPROVE as the boundaries for the Neighborhood Council that which was specified in the application.
- APPROVE as the boundaries for the Neighborhood Council those, which were specified in the application EXCEPT for those areas overlapping with \_\_\_\_\_.
- ADVISE the Neighborhood Council to amend its bylaws to reflect the boundaries of that Neighborhood Council as determined by the Commission.
- ACCEPT the applicants consent that the bylaws are deemed amended to delete \_\_\_\_\_ or (will be) modified as represented by the applicants.
- ADVISE the applicants against enforcement of Article \_\_\_\_\_ without further advice and assistance from the Office of the City Attorney.
- ACCEPT the applicant's consent that the bylaws would be amended and are deemed to included/exclude the boundary as adjusted.

#### 3 DISAPPROVAL OF STAFF RECOMMENDATION (if disagreeing with Staff Report)

- DISAPPROVE the Staff Report and MOVE TO CERTIFY the applicants as the \_\_\_\_\_ Neighborhood Councils

(Adopt relevant Staff Findings as applicable or articulate five findings as to:

1. Boundaries
2. Outreach
3. Organizational Structure-Bylaws
4. Financial Accountability
5. Ethics
6. Contact Liaison

...and DIRECT staff to prepare findings for the Commission's determination consistent with this action.

## APPENDIX E

### GENERAL COMMISSION POLICIES

#### 1. CONFLICT OF INTEREST

##### **4 Solicitation of Contributions**

- A. Definitions: For the purposes of this policy:
- 1) "Person" means a natural person or business entity of any type, and includes all directors, partners, officers and agents of such business entity.
- C. "Proceeding pending," means all ministerial, administrative and legislative matters, potential contracts, current contracts and expired or terminated contracts for a subsequent period of 12 months.
- B. Members of the Board of Neighborhood Commissioners are prohibited from soliciting, directing, or receiving any contribution from any person who has a proceeding pending before the Board of Neighborhood Commissioners or has had such a matter pending during the preceding 12 months.
- C. All Department contracts shall include a requirement that contractors disclose if a Department or Board member solicits contributions.

##### **5 Commissioner Involvement/Participation in Neighborhood Councils**

*(Under Development)*

## APPENDIX E

### GENERAL COMMISSION POLICIES

2. COMMISSIONER COMMUNICATIONS
  - Communication with the Public  
*(Under Development)*
  - 1 Communication with Department Staff
  - 1 Exparte Communications  
*(Under Development)*
3. CONTRACT APPROVAL POLICY  
*(Under Development)*

**APPENDIX F**

**POLICIES RE:**  
**CITYWIDE SYSTEM OF NEIGHBORHOOD COUNCILS**

1. "LETTER OF INTENT"  
(Adopted: 11/27/01)
2. BOUNDARY POLICIES  
*(Under Development)*

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