

**CITY OF LOS ANGELES
INTRA-DEPARTMENTAL CORRESPONDENCE**

July 14, 2010

To: Board of Neighborhood Commissioners

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Subject: **BYLAW REFORM POLICY PROPOSAL - ADDENDUM**

Executive Summary

The Department of Neighborhood Empowerment (Department) is submitting an addendum to its June 23, 2010 Bylaw Reform Policy Proposal report to the Board of Neighborhood Commissioners (Commission). This addendum proposes another option for a system-wide bylaw template and would establish default language for bylaws when they are silent in areas covered by a standard table of contents (wire frame).

This default option uses the Proposed Neighborhood Council Bylaws Template Language as system-wide standard bylaws, which only come into use when a Neighborhood Council: 1. Encounters problems that are based in its bylaws and 2. Has not taken previous action to clarify the affected section of the bylaws. Neighborhood Councils will have the choice to write language in their bylaws to opt out of the majority of the default bylaws. The default option provides the greatest flexibility to Neighborhood Councils with the content of their bylaws while also assisting the Department in supporting Neighborhood Councils that are experiencing operational challenges because of silent or vague bylaws.

Background

On June 23, 2010, the Department presented to the Board of Neighborhood Commissioners (Commission) a report entitled Bylaw Reform Policy Proposal. In this report, the Department advocated for a system-wide bylaws template with a standardized wire frame and some standardized language in areas such as membership, finance, elections and compliance. The Department also presented a Proposed Neighborhood Council Bylaws Template Language, which showed the wire frame and sample language for both optional and standard bylaw sections. The language included suggestions from the Bylaws Task Force as well as from the City Attorney.

While the original Bylaw Reform Policy provided Neighborhood Councils with the flexibility to use their original language in most sections, there were certain sections, such as removal and absences that the Department highly recommended providing standard language

because of the problems some Neighborhood Councils have had in the past with these provisions. Feedback from Neighborhood Council Board members has been critical of mandating language in general. While it is not the intent of the Department to stifle the creativity and uniqueness displayed in Neighborhood Council bylaws, the Department still requires some level of bylaw standardization in establishing a stable foundation for Neighborhood Council support.

Default Bylaws Option

In order to provide the Department the necessary tools to assist Neighborhood Councils in need and to also give Neighborhood Councils as much freedom with their bylaws as possible, the Department is proposing the Commission consider a default bylaws policy. The default bylaws option would require the following:

1. Adoption of a standardized wire frame
2. Adoption of bylaws language authorizing the use of default values
3. Adoption of a default set of Department bylaws

In addition, the Department also maintains that standardized language is still used in areas such as membership, finance, elections and compliance for consistency city-wide.

Adoption of a Standardized Wire Frame

The proposed wire frame was developed from the suggestions of the Bylaws Task Force. Implementation of this wire frame would allow the Neighborhood Councils to clearly see the potential weaknesses of their bylaws. Areas where important language is missing or unclear will be obvious and will allow the Neighborhood Councils to work with the Department to strengthen their bylaws.

As stated before, a standardized wire frame also assists in the Department's work load of dealing with ninety-one (91) different sets of bylaws by at least having the provisions in the same sections system-wide.

Adoption of Bylaws Language Authorizing the Use of Default Values

Within the compliance section of the standardized wire frame, language authorizing the use of defaults when the bylaws and/or standing rules are silent on a matter is necessary. The Department proposes the following language adoption:

ARTICLE VII COMPLIANCE

Section 3: Department Policies – If these bylaws or Council standing rules are silent on an issue, the Department policies and procedures on the matter shall take effect.

This language allows Neighborhood Councils to proactively choose whether or not the Department default bylaws language will come into effect simply by providing alternative language.

Adoption of a Default Set of Department Bylaws

The Department is recommending the Proposed Neighborhood Council Bylaws Template Language be adopted as the default set of bylaws.

Conclusion

The Department's goal in bylaw reform is to provide Neighborhood Councils with a foundational structure to fall back on when problems arise. This solid foundation also allows the Department to provide effective assistance in such times as well. When Neighborhood Councils do experience issues based on incomplete or vague bylaws, it is typically too late to try and address it with a bylaw amendment. The default option provides a good balance by giving the Neighborhood Councils the flexibility they want with their bylaws while also giving the Department the necessary support it needs to work with Neighborhood Councils throughout the city.