

CITY OF LOS ANGELES

CALIFORNIA



VILLAGE NEIGHBORHOOD COUNCIL OFFICERS

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SAMPLE

VILLAGE NEIGHBORHOOD COUNCIL JOINT BOARD AND [insert name] COMMITTEE MEETING AGENDA

Tuesday April 13, 2004 – 6:30 PM

Village Community Center
100 E. Elm Street, Los Angeles, CA 90012

The public is requested to fill out a “**Speaker Card**” to address the Board on any agenda item before the Board takes an action. Public comment is limited to 3 minutes per speaker, but the Board has the discretion to modify the amount of time for any speaker.

[Insert the prior sentences if your board adopts and agrees to these procedures as a means of running your meetings. Your Board may choose other methods, but please ensure that any methods that you implement and state in this introduction are consistent with your bylaws. Your Board’s operational rules should be in writing and approved by your Board as its standing rules.]

The public may comment on a specific item listed on this agenda when the Board considers that item. When the Board considers the agenda item entitled “Public Comments,” the public has the right to comment on any matter that is within the Board’s jurisdiction. In addition, the members of the public may request and receive copies without undue delay of any documents that are distributed to the Board, unless there is a specific exemption under the Public Records Act that prevents the disclosure of the record. (Govt. Code § 54957.5)

The _____ Neighborhood Council holds its regular meetings on the _____ *[eg., first Thursday of every month]* and may also call any additional required special meetings in accordance with its Bylaws and the Brown Act. The agenda for the regular and special meetings is posted for public review at [list 5 official public notice posting sites].

The _____ Neighborhood Council complies with Title II of the Americans with Disabilities Act and does not discriminate on the basis of any disability. Upon request, the _____ Neighborhood Council will provide reasonable accommodations to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure the availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting the Neighborhood Council Secretary at (213) 555-5555, or please send an e-mail that states the accommodations that you are requesting to villageNC@neighborhoodcouncil.org.

SI REQUIERE SERVICIOS DE TRADUCCION, FAVOR DE NOTIFICAR A LA OFICINA 3 dias de trabajo (72 horas) ANTES DEL EVENTO. SI NECESITA AYUDA CON ESTA AGENDA, POR FAVOR LLAME A NUESTRA OFICINA AL (213) 555-5555.

[Please note that the above example asks for the person seeking an accommodation to contact the Neighborhood Council 72 hours in advance of the meeting. You may be required to insert a different period of time. All efforts should be made to address any request that is received by the Neighborhood Council, even if the request is not made during the time period that you requested. In the example above, if the agenda was posted one week in advance of the meeting, then asking that the person make the request 72 hours before the meeting is a reasonable request. However, if the agenda was posted 72 hours before the meeting, it is unreasonable to request that the request also be made 72 hours in advance.]

1. Call to Order and Board of Directors Roll Call. – This Joint Board and Land Use Committee Meeting has been called in an abundance of caution to satisfy the Ralph M. Brown Act. The Land Use Committee is a standing committee of the VNC and is advisory in nature to the Board. Any decisions made at this joint meeting are not considered Board actions and shall go back as recommendations to the VNC Board for a final vote at a regular or special Board meeting.
2. Review and possible approval of minutes from prior meeting held on March 15, 2003.
3. Discussion of and possible adoption of Village Neighborhood Council position regarding the LADOT proposed options to expand the 101 Freeway, and decision to forward the VNC position to the all interested governmental agencies, including the Planning Commission, Los Angeles City Council, and LADOT.
4. Committee Reports – consideration by the Board of the reports and recommendations from its committees, including possible action in adopting, rejecting, or modifying any report or recommendation, possible action by the Board implementing the report or recommendation, or possible determination by the Board of the Neighborhood Council’s position on a report or recommendation, and recommendation regarding communication of the position to the appropriate governmental body:
 - A. Outreach Committee: Presentation on a proposed outreach strategy improving stakeholder involvement in the Neighborhood Council that includes presentations, holding block parties, conducting forums for considering neighborhood issues, creating newsletters and surveys, and conducting door-to-door outreach. Discussion and possible action by the Board on the proposed strategy.
 - B. Bylaw Committee: Presentation on a proposed bylaw amendment to Article 6, Section 2 to change the provision from “... _____ ...” to “... _____ ...” where this amendment will _____ [*briefly explain the reason for the change or how this change will assist the NC with its operations*]. Discussion and possible Board action amending the bylaws.
 - C. Financial Committee: Report on the expenditures and current balance of the VNC budget.
 - D. Legislative/Governmental Issues Committee: No report this meeting.
 - E. Public Safety Committee: Report on status of Public Safety Forum.
 - F. Housing, Land Use and Planning Committee: Report and recommendation by the committee regarding the request for a conditional use permit from the City Planning Department sought by Company XYZ for the property located at 111 E. Elm Street, that will allow _____ [*briefly explain what is requested*]. Committee recommends that the Neighborhood Council support the Company’s request for a conditional use permit.
 - G. Grievance Committee: Report and recommendation by the committee regarding the complaint filed by Mr. John Doe against the Neighborhood Council for a Brown Act violation occurring during the April 16, 2003, meeting, for taking an improper action on a matter that was not agendized for Board action or consideration. Committee recommends that the Neighborhood Council re-schedule the item for action at the next regular meeting and state the proposed action on that meeting’s agenda.
5. Public Comments – Comments from the public on non-agenda items within the Board’s subject matter jurisdiction. [*You may wish to insert and repeat a sentence here that states any limits the Neighborhood Council adopted on speaker time limits.*]

6. Board Business - Comments from the Board on subject matters within the Board's jurisdiction
 - A. Comment on Board Member's own activities/ Brief announcements.
 - B. Brief response to statements made or questions posed by persons exercising their general public comment rights.
 - C. Introduce new issues for consideration by the Board at its next meeting/request that the item be placed on the next meeting's agenda.
 - D. Ask Committee Chairpersons to research issues and report back to the Board at a future time.
7. Future Agenda Items and other Calendar Events:
 - May 11, 2004 @ 6:30 PM—Next general meeting.
8. Adjournment

PROCESS FOR RECONSIDERATION: *[Meeting attendees should be made aware of the process in your bylaws, which a vote by the Board can be reconsidered. The following is an example of language that you may use to describe the reconsideration process, however, you must ensure that, if you use this example, it is consistent with your bylaws:]*

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

1. The Board's approval of a Motion for Reconsideration must occur within the following specific periods of time: The Motion for Reconsideration must be approved either:
 - (a) during the same meeting where the Board initially acted; or
 - (b) during the Board's next regularly scheduled meeting that followed the meeting where the action subject to reconsideration occurred.

These specified time frames do not prevent the Neighborhood Council from convening any special meetings within the specified time frames to address a Motion for Reconsideration.

2. Before the Board reconsiders any matter, the Board must approve a Motion for Reconsideration. The Motion for Reconsideration must be approved by official action of the Board [*OR INSERT HOW the Board takes official action, e.g., a majority of the Board Members present...*] After determining in the affirmative that an action should be reconsidered, the Board then 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.

3. The Motion for Reconsideration shall only be proposed 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"). The Moving Board Member may make the Motion for Reconsideration by either:
 - (a) an oral motion that is made during the same meeting where the action that is the subject of reconsideration occurred, or
 - (b) 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.

4. If the Motion for Reconsideration is made subsequent to the meeting where the action that is the subject of reconsideration occurred, then the Motion for Reconsideration must be on that subsequent meeting's agenda. The Moving Board Member places a Motion for Reconsideration on the agenda by submitting a memorandum to the ... [*whoever creates the agenda ...e.g., Secretary...*] at least ... [*Specify a Time line, e.g., two days in advance of the deadline for posting notices for the meeting....*] The Moving Board Member's memorandum must briefly state the reason(s) for requesting the reconsideration, and provide the [*...Secretary...*] with the language necessary to complete the

information that must be stated in the agenda. The language that must be stated in the agenda is an adequate description of the:

- (a) Motion for Reconsideration and its description of the item that is to be re-heard; and
- (b) A proposed action that may be adopted by the Board if the Motion for Reconsideration is approved.

5. When the Motion for Reconsideration is brought before the board for consideration, then that motion may be seconded during the public hearing by any member of the Board.

6. This reconsideration process shall be conducted at all times in accordance with the Brown Act, including that: any discussion on the issue remain within permissible discussion parameters; that any decision is made during the public hearing; and that, if the Motion for Reconsideration is considered at a subsequent meeting to the meeting where the act that is the subject of reconsideration occurred, then the Motion for Reconsideration is properly listed on that meeting's agenda.

PROCESS FOR FILING A GRIEVANCE: *[Meeting attendees should be made aware of the process in your bylaws to file a grievance against the neighborhood council and notified of the ability to file a complaint with the Department of Neighborhood Empowerment. The following is an example that may be used as long as it is consistent with your bylaws]*

Any member of the public may file a grievance by submitting a writing containing the nature of the person's complaint to the Secretary of the Neighborhood Council. The written grievance will then be referred to a grievance committee comprised of five (5) Stakeholders who are randomly selected by the Secretary from a list of Stakeholders who have previously expressed an interest in serving from time-to-time on such a grievance committee. Within fifteen (15) days of referral, the Secretary will coordinate a time and a place for the committee to conduct its public meeting with the person(s) submitting a grievance and to discuss ways in which the dispute may be resolved. The grievance committee will prepare a report and recommendation to the Board to be heard within fifteen (15) days from the date of the grievance committee's meeting. The Board may receive a copy of the panel's report and recommendations prior to the meeting by the Board, but the matter shall not be discussed among the Board members until the matter is heard at a meeting of the Board pursuant to the Brown Act.

This formal grievance process is not intended to apply to persons who disagree with a position or action taken by the Board at one of its meetings. Those grievances can be aired at Board meetings. This grievance process is intended to address matters involving procedural disputes, *e.g.*, the Board's failure to comply with Board Rules or these Bylaws, or its failure to comply with the City's Charter, the Plan, local ordinances, and/or State and federal law.

In the event that a grievance cannot be resolved through this grievance process, then the matter may be referred to DONE for consideration or dispute resolution in accordance with the Plan.

BROWN ACT REVISION AND LANGUAGE IN THE BYLAWS

The City Attorney wishes to bring to your attention a recent *amendment to the Brown Act* that takes effect on July 1, 2008*, and impacts the *wording of board agendas* and also impacts how the *records*, which are reviewed by board members in anticipation of a meeting, are to be *made available to the public*. This information is intended to provide you with guidance in preparing the agendas for the Neighborhood Councils.

The pertinent amendment is contained in Government Code section 54957.5 paragraph (b) reads as follows:

"(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008."

Typically, board members receive an agenda and written materials to review in advance of a meeting (the "agenda packet"). Government Code section 54957.5 clarifies that once the writings or agenda packet are delivered to a majority of the members on the board, the records, unless specifically protected from disclosure by the Public Records Act, must be made immediately available upon request. If written materials are submitted to the board after the posting of the agenda, then the agency shall designate a location (and an optional website link) where the public may view the records.

Therefore, Neighborhood Councils should provide for easy access to the records by making them available on the website in addition to a physical location. It will be important to insure that upon distribution of the agenda packet to a majority or all of the board members, the documents are promptly placed in the correct location and posted on the website.

THE SUGGESTED ADDITION TO THE AGENDAS FOR NEIGHBORHOOD COUNCILS SHOULD READ:

"In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting, may be viewed at [insert address], [optional: at our website by clicking on the following link: _____,] or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact.