

CITY OF LOS ANGELES
CALIFORNIA

BOARD OF NEIGHBORHOOD
COMMISSIONERS

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BONGHWAN (BH) KIM, MPA
GENERAL MANAGER

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MINUTES
BOARD OF NEIGHBORHOOD COMMISSIONERS
REGULAR MEETING

TUESDAY, JULY 5, 2011 – 6:00 P.M.

SMOG SHOPPE
2651 LA CIENEGA BOULEVARD
LOS ANGELES, CA 90034

COMMISSIONERS PRESENT

Albert Abrams, President
Esther Cepeda-Hatch
Carlene Davis
Linda Lucks

ABSENT

Daniel Gatica
John Kim
Karen Mack

DEPARTMENT STAFF PRESENT

BongHwan Kim, General Manager
Grayce Liu, Senior Project Coordinator
Amber Meshack, Neighborhood Empowerment Analyst
Janet Lindo, Executive Administrative Assistant

CITY ATTORNEY REPRESENTATIVE

Carmen Hawkins, Deputy City Attorney
Rita Venegas, Deputy City Attorney

1. Introduction (5 minutes)

ACTION: President Abrams gave the introduction.

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

ACTION: President Abrams called the meeting to order at 6:17 p.m. Commission roll was called by Janet Lindo, Executive Administrative Assistant,

3. Approval of the Minutes of the Regular Meeting of June 7, 2011. (3 minutes)

ACTION: Commissioner Lucks moved that the Minutes of the Regular Meeting of June 7, 2011, be approved as written. President Abrams seconded the Motion.

Vote: Ayes - 4, Nays - 0

Motion passes unanimously.

4. 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 two minutes. (15 minutes)

ACTION: Public comments were received from:

Ivan Spiegel – people want training.

Clyde Williams – doesn't like Councilmember Krekorian's motions.

Daniel Wiseman – doesn't like Councilmember Krekorian's motions. "Fear of strangers" leads to rules against "factual basis stakeholders".

5. Verbal update from a representative of the Office of the Mayor Antonio Villaraigosa, Neighborhood and Community Services. (10 minutes)

ACTION: NONE.

6. General Manager's Report. (10 minutes)

1. Briefing on Departmental activities.
2. Staffing, budget and other operational matters.

ACTION: General Manager, BongHwan Kim, provided an update on Departmental activities

7. Discussion and possible action recommending that City Council should revisit or further define who is a factual basis stakeholder where that term is currently defined as "any individual who declares a stake in the neighborhood and affirms the factual basis for it."

ACTION: President Abrams combined Agenda Item No. 7 with Agenda Item No. 8.

8. Discussion and possible action by the Commission recommending that City Council should adopt an ordinance that will require the Neighborhood Council's governing board to have a minimum number of seats on its board designated for factual basis stakeholders (and/or require that a certain percentage of the seats, e.g., 10%, be assigned to factual basis stakeholders). The Commission may also discuss and provide recommendations on the tools that may be implemented to insure compliance with the allocation of board seats. (15 minutes)

ACTION: President Abrams combined this agenda item with Agenda Item No. 7.

Commissioner Davis moved that the Board of Neighborhood Commissioners send a letter with the changes discussed to the Los Angeles City Council recommending that the City Council should adopt an ordinance that will require the Neighborhood Council's governing board to have a minimum number of seats on its board designated for factual basis stakeholders (and/or require that a certain percentage of the seats, e.g., 10%, be assigned to factual basis stakeholders).

Commissioner Lucks seconded the Motion.

Vote: Ayes – 4, Nays - 0.

Motion passes unanimously.

(The letter and attachment are attached to these Minutes).

Public comments were received from:

Jay Handal – consider deleting reference to “At Large” in the letter – wants Charter changes – likes the letter.

Mark Seigel – important issue – came from Neighborhood Council Review Commission (NCRC) was a dismal failure in its language – Abrams has asked for the language: STNC community stakeholders are defined as individuals who live, work or own property within the boundaries of the STNC. In addition individuals who are identified by participation in business, education, faith-based, community service, youth and special interest organizations that are located or that meet regularly in the community are considered to be community stakeholders.

Ivan Spiegel – Founding fathers restricted voting to landowners – now it’s based on where you live – Beverly Hills voters can’t vote for Los Angeles. Neighborhood Councils need this protection.

Dr. Clyde Williams – Neighborhood Councils should let Neighborhood Councils share best practices.

Daniel Wiseman – this change to the factual basis stakeholder definition came from the NCRC – how does one prove they have a right to a stake?

9. Verbal update from the Chair of the Ad Hoc Policy Committee on the grievance policy and procedures. (10 minutes)

ACTION: Commissioner Lucks read the following motion into the record and requested that it be placed on the next agenda.

Grievance Policy - Formally Grievance and Complaint

MOTION

The Board Of Neighborhood Commissioners shall adopt the following policy:

The entire Neighborhood Council system shall follow a formal grievance/complaint system as set forth herein:

Each city planning area shall be used as boundaries to determine which Neighborhood Councils shall be included in a local grievance region. If a Neighborhood Council’s boundaries overlap two or more planning areas the Board Of Neighborhood Commissioners shall decide which area that Council shall be included in.

Each NC shall elect one member to their area grievance/complaint panel from a pool of current and former Board members and stakeholders. Three of the elected panel members shall hear grievances/complaints on a random rotating basis as scheduled by BONC/DONE. NO member of the 3 member hearing panel shall be selected to hear a grievance/complaint involving their own council.

When a grievance/complaint is filed with BONC/DONE, the first step shall be to notify the local NC that a grievance has been filed and give them a specific period of time to work things out internally with the person(s) filing. If this cannot be achieved BONC/DONE shall identify and convene a three member panel from the elected pool. The panel shall hear the grievance/complaint and have 30 days to write a report, including a determination of the case. Said determination shall be sent to BONC/DONE for adjudication. A copy shall be sent to the applicant as well. Any appeals shall be made to the adjudicating body which shall have the options to affirm, deny and/or change the hearing panel's determination and order enforcement.

If the grievance/complaint is upheld, the first step of enforcement shall be to notify the NC involved and request that the NC remedy the situation within 30 days. If compliance is not forthcoming the authoritative body shall immediately mandate the remedy and suspend funding until compliance is certified.

All Neighborhood Council by-laws shall be mandated to include the following language:

Grievances:

Grievances shall be handled within the guidelines as set forth in the BONC policy dated _____.

Public comments were received from:

Cindy Cleghorn – adjoining Neighborhood Councils can play an important part in helping a Neighborhood Council deal with grievances. Foothill Trails helps Sunland-Tujunga with grievances.

Ivan Spiegel – something needs to be done – there should be a system that has authority and power – BONC or otherwise. BONC should have authority like the Police Commission – somebody has to be able to put their foot down.

10. Discussion and possible action on the Boundary Adjustment Application for the Palms Neighborhood Council, South Robertson Neighborhood Council, and Mid City Neighborhood Council. (10 minutes)

ACTION: Agenda item was taken off calendar due to a loss of quorum.

Public comments were received from:

Bette Billet – wants South Robertson Neighborhood Council (SORO) to absorb Area B.

Betty Bryant – treasurer for Mid City Neighborhood Council (MINC)

Nick Burkhart – wants SORO to absorb Area B – ties with Wilshire Division – LAPD strong emergency preparedness.

Scott Burnell – supports MINC – likes the work on Washington Boulevard.

Jeff Copeland – wants MINC to adopt Area B – they repainted a troubling liquor store – planted over 400 trees.

Tony De La Torre – wants SORO for Area B.

Allan DiCastro – MINC adopted area in March 2010 after a presentation by the Board of Neighborhood Commissioners (BONC). The presentation and vote to approve by MINC was in response to letters and conversations MINC had with the Department of Neighborhood Empowerment (DONE) and BONC.

Doug Fitzsimmons – high functioning Neighborhood Council – this area does not include Washington Boulevard.

Terrence Gomes – SORO is a multi-tasking Neighborhood Council – natural progression to incorporate the other side of the street to make it a cohesive family.

Asuka Hisa – resident of MINC – family has been in MINC since 1950s – wants MINC to absorb Area B.

Leslie Janel Jones – lived in MINC for eight years – has seen improvements on Washington Boulevard.

Lawrence Klutse – in favor of MINC – validates.

Barry Levine – Education Chair of SORO – kids go to Hamilton High which is in SORO.

Michael Maloney – business owner on La Cienega – MINC board member/business representative – most businesses who have signed the petition wish to be represented by MINC.

Charles Miller – Palms longest standing neighborhood on the west side of Los Angeles – got surrounding Neighborhood Councils support.

Deni Mosser – lived in SORO for 58 years – likes Neighborhood Councils-makes Los Angeles more livable – likes SORO – in favor of SORO absorbing Area B.

Marj Safinia – Co-chair of SORO's outreach committee – they have a design forward brand, strong web presence.

Ova Saopeng – resident of Area B – wants SORO to absorb Area B – SORO gave him notice of the issue.

Kimber Smith – no animosity on SORO's side – they are proactive – we see this as an opportunity.

Michael Sonntag – MINC outreach Chair – notes a lot of accomplishments by MINC – didn't delay in petitioning.

Barbara Thompson – wants MINC to adopt Area B.

Roseanne Ware – ten years in MINC which funds her youth non-profit – works with kids in arts.

Thom Washington – for MINC.

W. Joy Williams – for MINC to adopt Area B – has been on the Neighborhood Council since 2002.

11. Commission Business – Comment from Commissioners on subject matters within the Board’s jurisdiction. (20 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.

ACTION: Agenda item was taken off calendar due to a loss of quorum.

12. 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 two minutes. (15 minutes)

ACTION: Agenda item was taken off calendar due to a loss of quorum.

13. Adjourn

ACTION: The meeting ended at 9:50 pm due to a loss of quorum.

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BONGHWAN (BH) KIM, MPA
GENERAL MANAGER

www.EmpowerLA.org

July 7, 2011

Honorable Members of the
Los Angeles City Council
c/o City Clerk
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Dear Honorable Members,

Changes to the definition of the “factual basis stakeholder” were passed by City Council on February 20, 2008, and became effective on April 15, 2009. http://clkrep.lacity.org/onlinedocs/2005/05-0894-s5_ord_179680.pdf.

Over the last two years, the Board of Neighborhood Commissioners has taken testimony from representatives of the City Clerk, Neighborhood Council Board members and the public, over concerns that the current definition of a factual basis stakeholder has led to multiple occurrences of voter misrepresentation in several Neighborhood Council elections.

In several cases, entire boards of officers were elected by individuals who did not live, work, rent, or own property within a Neighborhood Council boundary. Proof provided to City Clerk representatives in order to receive a ballot to vote in some cases was simply a receipt for coffee purchased in a particular area and used to establish a “stake” in that area. Based on the current definition and ordinance, the City Clerk representatives had no choice but to grant the requestor a ballot and the right to vote in that election.

On October 29, 2010, the City Attorney issued a formal detailed report spelling out its concerns about the impact of the current factual basis stakeholder definition on Neighborhood Council elections. That report is attached.

Several local newspapers, including the Los Angeles Times, editorialized on the need for a tightening of this definition in order to prevent further “packing” of Neighborhood Councils Boards during an election. One such article, “One Coffee, One Vote.” was authored by an editorial writer for the Times.

Honorable Members of the Los Angeles City Council
Changes to the Definition of Factual Basis Stakeholder
July 7, 2011
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Several Neighborhood Councils had foreseen this possibility of takeovers of their Boards by individuals using such factual basis stakeholder ballots and changed their bylaws to limit the number of seats that such stakeholders could occupy on their Boards.

Examples include the Tarzana, Venice, Mid-Wilshire, Westchester and Encino Neighborhood Councils, which have rules that limit the number of such seats to a proportion of their Board.

On June 7, 2011, the Board of Neighborhood Commissioners passed a policy recommending that all Neighborhood Councils consider revising their bylaws to provide at least one seat for factual basis stakeholders on their Board, but limiting them to no more than 10% of a Board's total number of seats.

The Board of Neighborhood Commissioners also voted to recommend that the City Council re-visit their current definition of a factual basis stakeholder and consider implementing a new ordinance that would limit the number of seats that such voters and candidates for election could occupy on any Neighborhood Council Board.

I will be happy to make myself available to the City Council to discuss such an ordinance and to provide more detail on this issue and the Commission's concerns.

Sincerely,



Albert Abrams, President
Board of Neighborhood Commissioners

Attachment

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200 N. Main Street
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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 10 - 0371
OCT 29 2010

REPORT RE:

**RECOMMENDATIONS FOR THE ADMINISTRATION OF NEIGHBORHOOD
COUNCIL ELECTIONS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 09-1115-S4

Honorable Members:

This report conveys recommendations for the administration of Neighborhood Council elections based upon concerns expressed to our Office during and immediately after the recently concluded 2010 Neighborhood Council elections administered by the Office of the City Clerk. Based upon the concerns presented to our Office, we have identified several areas for improvement to facilitate elections in the future. We have also shared our recommendations with the Office of the City Clerk.

As explained below, we recommend at least three changes to the existing election process: 1) clarifying the term “factual basis” stakeholder; 2) establishing voter pre-registration, which will allow Neighborhood Council leaders to take a greater role in the determination of stakeholder’s eligibility to vote, while streamlining the election process for the City Clerk; and 3) requiring documentary proof of stakeholder status rather than granting voting privileges based on the voter’s self-affirmation of his or her stakeholder status.

Background

The Neighborhood Council system was created in 1999, when voters approved an amended City Charter. The purpose of the system is to provide stakeholders with the ability to provide recommendations to City decision-makers on issues of concern in their respective neighborhoods. (*City Charter art. IX § 900.*) In 2008, the definition of a stakeholder was expanded by City Council, based upon the recommendation of the Neighborhood Council Review Commission (“NCRC”), to include any person “who lives, works or owns property in the neighborhood and any individual who declares a stake in the neighborhood and affirms the factual basis for it.” (*Admin. Code § 22.811(a)(2); Plan for a Citywide System of Neighborhood Councils, art. II, § 1.*) The expanded stakeholder definition allowed individuals to assert any basis for their involvement with a Neighborhood Council. Our Office received several complaints during the most recent administration of elections by the City Clerk that stakeholders with a tenuous nexus to the community were involved in voting for a Neighborhood Council board.

Notably, in a presentation by the City Clerk to the Board of Neighborhood Commissioners on September 20, 2010, the City Clerk reported that, while rare, some Neighborhood Councils had a high volume of voters in the Neighborhood Council elections – as high as 50% of the total voters who cast ballots – who claimed that they were entitled to vote based solely on their status as “factual basis” voters. Overall, the average percentage of factual basis voters in a Neighborhood Council was 16.9 %.

Some of the concerns expressed to our Office from Neighborhood Councils with a high percentage of factual basis voters participating in the elections were that the outcomes of the elections were being unfairly manipulated by stakeholders with a negligible connection to the neighborhood. In order to further legitimize the Neighborhood Council system, it is important to strengthen the electoral process and eliminate any unfairness, or even the perception thereof. These goals form the basis of our recommendations.

Factual Basis Stakeholders

We recommend that the City Council consider amending and adopting a clarifying definition of the term “factual basis stakeholder.” The definition should provide clarification in order to facilitate an objective determination on a person’s eligibility to

vote. The term "stakeholder" itself implies an ongoing and significant interest in a community. Accordingly, the definition should provide criteria upon which to demonstrate a nexus with the neighborhood in order to ensure that a voter's stake in the neighborhood is not merely incidental, but ongoing and continuous.

Voter Pre-Registration

We recommend that the City develop rules for the administration of elections scheduled in 2012 that create a voter pre-registration process. Pre-registration would greatly facilitate the elections. Specifically, determining a person's eligibility to vote in advance would simplify and standardize the election day process by allowing the City Clerk to simply verify that a stakeholder's name appears on the pre-registration list. Voters whose names do not appear on the pre-registration list could be provided with a provisional ballot for verification thereafter.

The City could further provide Neighborhood Council leaders with a greater role in the administration of elections by allowing them to serve on an advisory panel designed to assist the City Clerk's Office in determining stakeholders' eligibility.

Voter Documentation

During the elections, Neighborhood Councils were allowed to choose whether to require their voters to provide documentation of their stakeholder status or whether to allow the voters to simply self-affirm the basis for their stakeholder status. In those neighborhoods where no documentary evidence was provided, the City Clerk's Office and the City Attorney's Office received a greater number of complaints alleging voting ineligibility and irregularities. However, due to the lack of documentation, the City Clerk was unable to process such challenges. Accordingly, we recommend that Neighborhood Councils be expressly advised in advance that electing a self-affirmation process will significantly curtail the ability to evaluate voter challenges due to the absence of documentary proof.

Conclusion

Accordingly, this Office believes that the above recommendations will provide much needed clarity to the Neighborhood Council system, streamline and facilitate elections, grant further legitimacy and confidence to the system by allowing a greater role for Neighborhood Councils in elections, and prevent and minimize any actual

unfairness, as well as reduce challenges of perceived unfairness against the administration of the elections. We look forward to further discussing these matters with you and others as soon as possible. Thank you for your consideration of our comments and suggestions.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By

A handwritten signature in black ink, appearing to read "W. Carter", written over a horizontal line.

WILLIAM W. CARTER
Chief Deputy City Attorney