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CALIFORNIA**

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**BOARD OF NEIGHBORHOOD COMMISSIONERS**

**SPECIAL MEETING MINUTES - APPROVED**

**Thursday, May 25, 2017 6:00 PM**

**LOCATION: HERMON FELLOWSHIP CENTER**

**5800 Monterey Road (at Wheeling Way)**

**Los Angeles, CA 90042**

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The public is requested to fill out a "Speaker Card" to address the Board on any agenda item before the Board takes an action on an item. The amount of time for each agenda item is to be determined by the Chair at each meeting. Speakers shall limit their comments to matters relevant to the item on the agenda. The Chair may rule that the speaker is out of order if the comments are not germane to the item under consideration. If multiple speaker cards are submitted on one agenda item, preference will be granted to members of the public who have not spoken previously during the meeting, either during general public comment or on another agenda item.

A member of the public wishing to speak on more than one agenda item at a single meeting shall limit his or her remarks to a total of five (5) minutes per meeting. Comments by members of the public who have submitted multiple speaker cards and want to speak on all items for up to five minutes at one time can choose to speak during the Multiple Agenda Items Comment period. Members of the public who choose to speak during the Multiple Agenda Items period will be given the opportunity to also speak during General Public Comments.

Comments from the public on other matters not appearing on the agenda that are within the Board's jurisdiction will be heard during the General Public Comment period. Public comment is limited to 15 minutes maximum. No individual speaker will be allowed more than 3 minutes, unless presiding officer of the Board decides differently.

The agenda is posted for public review in Main Street Lobby of City Hall East at 200 North Main Street and at 20th Floor, City Hall, 200 North Spring Street, Los Angeles. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request will provide reasonable accommodation to ensure equal access to its programs, services, and activities. The Agenda and Report(s) related to an agenda item will be available for review at [www.Empowerla.org](http://www.Empowerla.org). Sign language interpreters, assisted listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting by contacting the Department at (213) 978-1551.

SI REQUIERE SERVICIOS DE TRADUCCION, FAVOR DE NOTIFICAR A LA OFICINA 3 días de trabajo (72 horas) ANTES DEL EVENTO. SI NECESITA ASISTENCIA CON ESTA NOTIFICACION, POR FAVOR LLAME A NUESTRA OFICINA AL (213) 978-1551.

1. [6:30] Introduction (5 minutes)
2. [6:35] Call to Order and Commission roll call (1 minute)

Commissioner	Present	Absent
Shaffer	X	
Atkinson	X	
Darett-Quiroz		X
Lafarga		X
Lipmen		X
Sinclair	X	
Wehbe	X	

**Note: Commissioner Darett-Quiroz arrived at 6:40 pm.  
 Commissioner Sinclair left at 9:33 pm.**

3. [6:38] Discussion with Neighborhood Council representatives on any Neighborhood Council Resolution or Community Impact Statement filed with the City Clerk which relates to any agenda item listed or being considered on this agenda for the Board of Neighborhood Commissioners.

**Public Comment: None**

4. [6:39] 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 three minutes. (15 minutes)

**Public Comment:** Helen Chavez expressed excitement and concern over privatizing tennis courts and asked for future agenda item. Ivan Spiegel offered congratulations on the Hermon Subdivision and inquired on plan updates on the funding equity of Neighborhood Councils. Also spoke regarding the SRNC Grievance panel. General Jeff spoke in solidarity with Hermon NC as being the first successful subdivision and expressed disappointment with Department's

overturning of the grievance panel. Katherine McNenny provided commentary and express disappointment with the overturning of the SRNC Grievance panel.

5. [6:53] PUBLIC HEARING: Discussion and possible action on approving the Hermon Neighborhood Council bylaws in accordance with the Neighborhood Council Subdivision Policy. [Hermon NC Original Subdivision Application](#) and [Department's Hermon NC Report with Attachments](#)

**Public Comment:** Anthony Manzano left. Eliot Sekular provided commentary on the original ASNC boundary.

Judy Shane from ASNC provided commentary on proposed Hermon proposed boundary and stated original plot map were incorrect.

Dolores Kaneshina said her understanding of election was only for the formation and was not aware of boundary and expressed objections. Commissioner Shaffer asked for her understanding of election.

Annie Sakamoto spoke as an original community member of Hermon community.

Anthony Howard spoke as a lifelong community member of Hermon and animosity towards Monterey Hills community.

Patrick Botz-Forbes spoke in opposition on proposed Hermon boundary.

Cindi Lynch, treasurer of ASNC, spoke in opposition on proposed Hermon boundary and stated ASNC was not made aware of revised Hermon boundary.

Pamela Shuman spoke in opposition of proposed Hermon boundary.

Carola de la Rocha spoke in opposition of proposed Hermon boundary and asked for consideration.

Lynda Valencia spoke in opposition of proposed Hermon boundary.

Janet Morris spoke in opposition of proposed Hermon boundary.

Sandra Mora spoke in support of the proposed Hermon boundary.

Gloria La Brada spoke in opposition of proposed Hermon boundary.

Janet Clark spoke in opposition to proposed Hermon boundary and alleges misleading info on elections and boundary.

Paula Sirola spoke in support of proposed Hermon boundary.

Shola Gina spoke in opposition of proposed Hermon boundary.

Siew Foo read letter submitted to CM Huizar express disappointment related to subdivision and opposed Hermon boundary.

Tamar Rosenthal spoke in opposition to proposed Hermon boundary and cautioned BONC on precedent being set on approving a boundary change when no outreach has been done by applying Neighborhood Council.

Martha Benedict stated boundary adjustments were never made known to ASNC and spoke in opposition to proposed Hermon boundary and urged BONC to not approve boundary. Commissioner Shaffer asked Martha Benedict for clarification on the date of formation of the ASNC. Martha responded late 2003.

Lili Osorio spoke in supports proposed Hermon boundary and feels Hermon NC would not support large development. Richard Smith provided a description and explanation of photos of the streets and boundaries as he perceived was a Department recommendation. Also spoke in opposition of proposed Hermon boundary.

Grayce Liu, General Manager provided clarification the Department made no recommendation on Hermon boundaries.

D'ette Nogue stated she support the subdivision but is in opposition of proposed Hermon boundary and future development to that area.

Mark Roeder spoke in support of proposed Hermon boundary, opposed to oversized development and feels more community clean-up is needed.

Daniel Garcia, resident of Hermon spoke in support of proposed Hermon boundary. Miguel Martinez spoke in

support of proposed Hermon boundary. Jim Henderson spoke in opposition to proposed Hermon boundary. Peter Pak spoke in support of proposed Hermon boundary. Nicole Mihalka spoke in support of proposed Hermon boundary and outreach and stated no residents would be affected by proposed boundary. Catherine Riedner, resident of Monterey Hills, spoke on lack of transparency of Hermon boundary and opposition to proposed boundary. Wayne from Encino spoke on proposed boundary.

**Proponent Report:** Wendi Riser, from Hermon Formation Committee introduced Hermon Formation Committee and presented on boundary and subdivision process exclusion by ASNC and LANC. Presented a skit by neighborhood children on the history of the establishment of Hermon community. Report included history on development of Hermon Community. Joe Riser noted corrections to Department Report related to Background section in relation to website information and boundary as included in report. Also noted a correction in boundary revision submission date, and revised map.

Tom Soong presented Department's report on Hermon NC subdivision and community outreach.

Commissioner Daret-Quiroz provided clarification on presence of map at election and proposed a motion to approve boundaries. Commissioner Atkinson requested clarification on effect of residence being taken from ASNC. Commissioner Shaffer clarified there are no residence being affected and is currently open-space. And asked why boundary is being adjusted by Hermon.

Commissioner Wehbe ask for Department clarification any residents or development within the proposed boundary because her understanding there are four addresses being affected by boundary and asked for access to addresses. Commissioner Shaffer provided clarification based on subdivision application. Tom Soong, from the Department, stated his visual inspection of the area has no residences and access is through Via Colina.

Commissioner Shaffer asked Tom Soong for the source document of the address listed. Tom Soong confirmed the source documents were based on submittal by Hermon Formation Committee.

Commissioner Shaffer read clarification from the Plan regarding the creation of boundaries.

Commissioner Atkinson provided commentary on public comment regarding the opposition of boundary and trying to understand the issue of opposition if land is not developed. Commissioner Daret-Quiroz provided explanation of borders of Hermon and Arroyo Seco.

Commissioner Sinclair asked if formation committee was ever invited to ASNC meeting to present proposed boundary. Commissioner Shaffer provided clarification on outreach process. Mike Fong, DONE, provided clarification on town hall outreach process. Commissioner Shaffer stated BONC attempts to follow historical boundaries when considering boundary and forming Neighborhood Councils and was surprised the basis for this Neighborhood Council exception was the geographic separation as opposed to historical nature.

Commissioner Wehbe stated she agrees with Commissioner Shaffer's commentary and supports the formation of Hermon Neighborhood Council. Commissioner Atkinson asked what the issue with the 50 yards being proposed. Commissioner Shaffer provided clarification of proposed boundaries is based on emotional connection. Commissioner Sinclair stated she needed to leave soon and asked for a motion.

Commissioner Shaffer read the Department of Neighborhood Empowerment's revised recommended finding for Hermon NC bylaws and recommend to Hermon Formation Committee review Article 7, Committees and Duties, the first paragraph states all committees shall be compromised of Board Members and potential issues with quorum. Also advised Formation Committee consult the City Attorney for appropriate language. Asked City Attorney Rudin if there is a time designation within the subdivision ordinance with regards to approval or disapproval of bylaws. City Attorney clarified there is no time requirement for approval of bylaws. Grayce Liu recommended since no language exist for the approval of bylaws by Commission, allow the Department to review and approve the bylaws as in the standard Department process.

**Action:** Motion that the Department of Neighborhood Empowerment has revised recommended findings for Hermon Neighborhood Council to include the findings for the boundaries of historic and contemporary community and neighborhood borders using natural boundaries or street line and are compact and contiguous, the Hermon Neighborhood Council boundaries shall include the properties west of Via Colima as listed.

Commissioner Shaffer offered amendment to motion that the boundaries include the portion of land as shown on the map which shows the full extent of the revised bylaws as were filed with the revised application on January 16, 2017 as it contains the full description. Amendment accepted by Commissioner Darett-Quiroz.

Commissioner Wehbe commented since this is the Commissions second opportunity to hear from stakeholders regarding their experience with subdivision, regarding the process, there is more that needs to be explored regarding the various aspects of subdivision understanding it is very new and yet how notice is given to all impacted entities.

Commissioner Shaffer offered additional amendment to motion to boundary "shared areas" the boundary language shall include an exclusion of Ernest E Debs Park that is a County facility and according to the Plan, the inaugural bylaws of a Neighborhood Council must be wholly within the City of Los Angeles, it may not include areas that are not part of the City of Los Angeles, therefore this may not include Debs Park. ( ASNC Bylaws Amendment will also include this language.) Commissioner Darett-Quiroz accepts amendment.

Grayce Liu asked for modification to language due to Debs Park is listed as a City Park.

Commission Shaffer withdrew 2<sup>nd</sup> amendment to motion. Because the Hermon Neighborhood Council has satisfied the criteria to

subdivide from the ASNC, the Board of Neighborhood Commissioner take the following actions:

We find that because these boundaries follow historic community borders using natural boundaries or street lines and are compact and contiguous, the Hermon Neighborhood Council boundaries shall include the properties west of Via Colima as described in the amended application of January 16, 2017 and is shown on the map that followed that description, and we find that prior to the approval of the Hermon Neighborhood Council's bylaws, the following changes shall be made:

- OMIT Article V Section 2 B in its entirety as it inconsistent with Article III Section 2 (c) (2) of the Plan for a Citywide System of Neighborhood Councils (Plan) requiring that the decision making power of the Neighborhood Council be vested in a governing board.
- AMEND Section 3: Official actions to state: A simple majority vote of the Board representatives present, not including abstentions, shall be sufficient for the Board to take action unless otherwise stated in these bylaws. All remaining language in Section 3 shall be omitted because it is inconsistent with Article III Section 2(c)(2) of the Plan requiring that the decision making power of the Neighborhood Council be vested in a governing board.
- OMIT Article VII Section 1: STANDING-Paragraph A, Interim Steering Committee, and instead AUTHORIZE the Department of Neighborhood Empowerment (DONE) to conduct a Special Meeting within 90 days where, through a selection process, the initial governing board will be seated.
- OMIT Article VII Section 2: Ad Hoc section A- Elections Committee in its entirety as it does not conform to the legal requirements of an ad hoc committee because non-board members may not be on an ad hoc committee, in addition, it is recommended that the Election Committee should be allowed the flexibility to change any eligibility requirements for participation at the Standing Rule level instead of the bylaws.
- OMIT language in Article VIII Section 4-RECONSIDERATION and replace it with the language as written in DONE Neighborhood Council Bylaws Template Language of April 2011 under Article VIII Section 4: RECONSIDERATION to comport with The Plan.
- AMEND language in paragraph Article XI GRIEVANCE PROCESS and replace with the following language: Stakeholders shall have the right to express and be heard regarding any grievance involving the Board's failure to comply with Board rules, these bylaws, or its failure to comply with the City's Charter, the Plan, local ordinances, and/or state and federal law. The stakeholder must submit the grievance in writing to the Department's website. An ad hoc committee shall consider the grievance. The ad hoc committee shall consist of three Board members randomly selected by the Vice Chair from a list established at the beginning of each year by Board members willing to hear grievances. Ad hoc committee's recommendations must be heard by the board. Any grievance not resolved to the satisfaction of the grievant, shall be referred to the Los Angeles City's regional grievance panels if/when created.

This process is intended to be used only for grievances involving procedural disputes.

- AUTHORIZE the Department of Neighborhood Empowerment to amend language in Article XIII Amendments and replace it with language consistent with the Department of Neighborhood Empowerment Neighborhood Council Bylaws Template of April 2011.
- Further authorize the Department of Neighborhood Empowerment to may make any further necessary bylaw changes and amendments so that the bylaws are consistent with the Charter, the Plan and the Los Angeles Administrative Code.

THEREFORE MOVE that the Hermon Neighborhood Council's bylaws as amended above satisfy Los Angeles Administrative Code Section 22.819(d) and Article III Section 2 of the Plan making Hermon Neighborhood Council the 97th Neighborhood Council in the City of Los Angeles.

VOTE	Mover	Darett-Quiroz	Second	Atkinson
<b>Commissioner</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstention</b>	<b>Absent</b>
Shaffer	X			
Atkinson	X			
Darett-Quiroz	X			
Sinclair	X			
Wehbe	X			
Lafarga				X
Lipmen				X
<b>Total</b>	<b>5</b>			
<b>Motion</b>	<b>Carries</b>	<b>x</b>	<b>Fails</b>	

Commissioner Shaffer expressed desire a modification to subdivision ordinance to include boundary discussion before vote. Commissioner Wehbe recommended both Neighborhood Councils work together.

6. [9:35] PUBLIC HEARING: Discussion and possible action on the Arroyo Seco Neighborhood Council's bylaws amendment application to change the board size from 21 to 17 Representatives. The seats will be reduced as follows: Twelve (12) Geographical Representative Seats (4 for Mt. Washington, 2 for Sycamore Grove/Figueroa Corridor South, 2 for Montecito Heights, 2 for Monterey Hills, 2 for Hermon) to Ten (10) Geographical Representative Seats (4 for Mt. Washington, 2 for Sycamore Grove/Figueroa Corridor South, 2 for Montecito Heights, 2 for Monterey Hills and Nine (9) At-Large Representatives (8 At-Large, 1 Community Interest At-Large to Seven (7) At Large Representatives (4 At-Large and 3 Community Interest) [ASNC Bylaw Amendment Application - Board Structure & Boundary Adjustments](#)

**Public Comment:**

Wayne from Encino provided commentary.

Tom Soong provided Department report and introduced Cyndi Lynch, 1<sup>st</sup> VP of ASNC and Chair of Rules Committee, provided bylaws app background.

Commissioner Shaffer explained his understanding of the proposed amendments to Board Seats and quorum.

**Action:** Motion to approve the Arroyo Seco Neighborhood Council's bylaws amendment application to change the board size from 21 to 17 Representatives. The seats will be reduced as follows: Twelve (12) Geographical Representative Seats (4 for Mt. Washington, 2 for Sycamore Grove/Figueroa Corridor South, 2 for Montecito Heights, 2 for Monterey Hills, 2 for Hermon) to Ten (10) Geographical Representative Seats (4 for Mt. Washington, 2 for Sycamore Grove/Figueroa Corridor South, 2 for Montecito Heights, 2 for Monterey Hills and Nine (9) At-Large Representatives (8 At-Large, 1 Community Interest At-Large to Seven (7) At Large Representatives (4 At-Large and 3 Community Interest) with the Finding that the changes are in conformance with The Plan.

VOTE	Mover	Shaffer	Second	Darett-Quiroz
<b>Commissioner</b>	<b>Ayes</b>	<b>Nays</b>	<b>Abstention</b>	<b>Absent</b>
Shaffer	X			
Atkinson	X			
Darett-Quiroz	X			
Lafarga				X
Lipmen				X
Sinclair				X
Wehbe	X			
<b>Total</b>	<b>4</b>			
<b>Motion</b>	<b>Carries</b>	<b>X</b>	<b>Fails</b>	

7. [9:46] Commission Business - Comment from Commissioners on subject matters within the Board's jurisdiction. (15 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.

8. [9:47] Adjourn



**Future Board of Neighborhood Commissioners Meetings (INFORMATION ONLY)**

*(Please note: The items listed below are tentative and may be subject to change. You are encouraged to visit the City's website at [www.lacity.org](http://www.lacity.org) to view Commission agendas and subscribe through the City's Early Notification System Subscription page to receive the Commission's agendas via email.)*

- Regular Meeting on June 6, 2017 at 6:00 pm – Location: Kaiser Permanente Conference Center, Room A2, 25964 S. Normandie (at Permanente Way), Harbor City, CA. 90710
- Regular Meeting on June 19, 2017 at 1:00 pm – City Hall, 10<sup>th</sup> Floor Conference Center, Room 1050, 200 North Spring St, Los Angeles, CA 90012
- Regular Meeting on July XX, 2017 at 6:00 pm – Location TBD
- Regular Meeting on July 17, 2017 at 1:00 pm – City Hall, 10<sup>th</sup> Floor Conference Center, Room 1050, 200 North Spring St, Los Angeles, CA 90012

**FINALIZATION OF BOARD ACTION:**

Per City Charter Section 245, the Board's determination 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 a two-thirds vote to bring the action before them or to waive review of the action.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES:**

If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence on these matters delivered to this agency 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 this 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 90th day following the date on which the City's decision became final.

**RECONSIDERATION:**

The Commission may make a MOTION TO RECONSIDER and alter its action taken on any item listed on this agenda at any time during this meeting, or make a MOTION TO RECONSIDER at its next regular meeting as indicated below:

If the Commission 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.

If the Commission moves and approves a Motion for Reconsideration at *the next regular meeting* then consideration of the item may *only* occur at this regularly scheduled meeting if the item for 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.

**PUBLIC ACCESS OF RECORDS:**

"In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board of Neighborhood Commissioners in advance of their meetings, may be viewed at the office of the Department of Neighborhood Empowerment, located at City Hall, 20<sup>th</sup> Floor, 200 North Spring Street, Los Angeles, California 90012, by clicking on the Department's Web site at <http://www.EmpowerLA.org> or at the Commission meeting. In addition, if you would like a copy of any record related to an item on the agenda, contact the Department at (213) 978-1551 or via e-mail: [Commission@EmpowerLA.org](mailto:Commission@EmpowerLA.org).