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File

OFFICE OF THE CITY ATTORNEY

ROCKARD J. DELGADILLO

CITY ATTORNEY

August 28, 2002

James H. Stewart, PRP
The Jimmy Stewart Group
8352 Costello Avenue
Panorama City, California 91402

Re: Neighborhood Council Bylaws

Dear Mr. Stewart:

This letter is in response to your letter dated August 7, 2002, and addressed to Rockard Delgadillo and Greg Nelson. Your letter expresses concerns regarding the bylaws that have been adopted and are in the process of being developed by neighborhood councils. Under the Plan for a Citywide System of Neighborhood Councils (the "Plan") one of the goals for the neighborhood council was to "[c]reate and environment in which all people can organize and propose their own Certified Neighborhood Councils so that they develop from the grassroots of the community." (Plan, Art. I, §5.)

Under the Plan, there are certain requirements that must be stated in the bylaws in order for the neighborhood council to obtain certification, *e.g.*, they must state their name, be open to community stakeholders, list their officers, state a process for reconsideration, *etc.* (See Plan, Art. 2, § 2(c).) However, beyond the mandatory requirements stated in the Plan, the neighborhood councils have the latitude to adopt the structure and procedures that they see fit. There is no obligation under the Plan or anywhere in the law that the neighborhood councils must adopt and adhere to Robert's Rules of Order. As you undoubtedly know, "any deliberative assembly can formally adopt written rules of procedure to confirm, add to or deviate from parliamentary law itself." (*Robert's Rules of Order*, 10th Edition, *Introduction* at xxv.) This deviation from the strict requirement of *Robert's Rules* is typically how many, if not most, boards and commissions in the City of Los Angeles operate. While many board and commissions refer to *Robert's Rules of Order* for guidance, many of the City's boards and commissions state that "parliamentary formality and detail are to be avoided" and choose to adopt their




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own Rules of Order. Specifically, with respect to the reconsideration provision with which you have concerns, many of the City's board and commissions have adopted a provision that allows the members to reconsider an item at their next meeting, under certain provisions and in compliance with other laws. As city agencies, neighborhood councils have similar flexibility.

As you note, there are distinct advantages to Robert's Rules of Order. However, should you continue to provide parliamentary assistance to the forming and formed neighborhood councils, please be aware that *certified* neighborhood councils are not private groups, but rather, part of the City family. Accordingly, they may adopt rules of order and procedures consistent with how other City commissions and boards operate, may choose to deviate from *Robert's Rules* and must also comply with other laws and ordinances with which private organizations do not.

Thank you for bringing this matter to our attention. Please contact me if you have any further questions regarding this.

Very truly yours,


DARREN R. MARTINEZ
Deputy City Attorney

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cc: Greg Nelson ✓
General Manager, Department of Neighborhood Empowerment