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RAQUEL BELTRÁN
GENERAL MANAGER

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July 19, 2021

TO: President Eli Lipmen, Members of the Board of Neighborhood Commissioners

FROM: Raquel Beltrán, General Manager

SUBJECT: Proposed Amendments to the Code of Conduct Policy

BACKGROUND:

Over the years, the Board of Neighborhood Commissioners became aware of a rise in relationship and board dynamic challenges involving Neighborhood Council board members and stakeholders. Particularly alarming were challenges reaching acute levels of concern. Increasingly, board member and stakeholder public testimony at Commission meetings, requested action be taken to provide Neighborhood Councils with policies and implementing rules that would make it possible resolve these challenges. In 2018-2019, the Board of Neighborhood Commissioners initiated a process to review policies related to board conduct, engagement, and leadership development. The policies selected were adopted or revised between 2016 – 2019. They included the Leadership Orientation (2020-01), Censure (2020-03), Removal (2020-04), and the Code of Conduct (2014-2(2)) policies.

Through a town hall engagement review process, the Commission started with the Censure and Removal policies. These two policies were revised in March and April 2020 respectively. A new Leadership Orientation Policy was adopted in February 2020.

On March 3, 2020, the Board of Neighborhood Commissioners adopted a motion calling for amendments to the Commission's Code of Conduct Policy. The action was deemed necessary to provide additional language and updates to the Commission's Code of Conduct Policy. Two members of the Commission were appointed to an Ad Hoc Committee to work with the Department to prepare draft amendments to the Policy. They include Commissioners Len Shaffer and Quyen Vo-Ramirez.

SUMMARY:

In partnership with the Commission's Ad Hoc Committee, the Department led a Neighborhood Council Code of Conduct Work Group of City Department leaders with neighborhood council experience. They set out to review current policy, implementing procedures and processes, and current and anticipated City policies. The Work Group members included representatives of the Personnel Department's Division, the City Attorney's Labor Relations and Neighborhood Council

Advice Divisions, and EmpowerLA's Leadership Team. Additionally, the Work Group included representatives of the City of Los Angeles Civil, Human Rights, and Equity Department (LA Civil Rights). EmpowerLA is grateful to these seasoned professionals for their dedication to this project.

The Work Group began meeting in October 2020 on an accelerated schedule. They met twice a month to review the Code of Conduct Policy's history, the [City of Los Angeles Draft Workplace Equity Policy](#), and the numerous authorities representing the regulatory framework of the Neighborhood Council System. The Work Group presents these proposed amendments as reasonable considerations necessary to address the escalating incidents of acts that do not comport with the City of Los Angeles's expectations for representatives of City employees, advisory bodies, commissions, and volunteers. The draft amendments advance the mission, desired characteristics, and foundational mandates of the Neighborhood Council System.

FISCAL IMPACT: Staff time required to oversee and manage the administration of the Code of Conduct and related proceedings.

REQUESTED ACTION:

The Ad Hoc Committee and Department of Neighborhood Empowerment respectfully request the Commission:

1. Approve the attached DRAFT amendments to the Code of Conduct Policy adopted in 2018 solely to circulate to the Neighborhood Council System for education, discussion, and comment.
2. Approve the Department's Neighborhood Council and City Department review schedule:
 - a. Include the DRAFT Code of Conduct Policy Amendments on the Commission's agenda once per month until the conclusion of the review schedule.
 - b. Maintain a report on comments and community impact statements filed on the DRAFT Code of Conduct Policy Amendments on the Commission's webpage.
 - c. Administer a minimum of four workshops (two weekday evenings and two weekends) to introduce the DRAFT Code of Conduct Policy Amendments and to respond to questions. Weekday workshops will be held on a Monday - Thursday evening when Neighborhood Councils are not having regular board meetings.
 - d. After the review period, the Department will summarize the most commonly asked questions and comments.
 - e. At the conclusion of the review period, the Department will prepare a summary of the most commonly asked questions and comments.
3. At the end of the review period, the Department's report will include recommended amendments to regulatory authorities that guide administration of the Neighborhood Council System, including but not limited to the Los Angeles Administrative Code (which incorporates portions of the Plan for a Citywide System of Neighborhood Councils) and Commission Policy(ies).
4. As a courtesy, once revisions to the Code of Conduct Policy have been approved, the Department will return to the Commission and present the procedure the Department will follow to implement the new Code of Conduct Policy. The presentation shall include how the Department proposes to:
 - a. Support Neighborhood Councils with the application of the policy to Committee Members,
 - b. Assist Neighborhood Councils with roster management, including that of Committee Members in compliance with the policy,

- c. Clarify the steps Neighborhood Council will be expected to take to address Code of Conduct issues,
 - d. Provide resources to assist Neighborhood Councils in their efforts to manage board dynamic challenges to avoid the necessity to suspend or remove Board and or Committee Members,
 - e. Manage Neighborhood Council rosters and compliance notification.
5. Once revisions to the Code of Conduct have been approved and the implementing procedures developed, the Department will hold workshops for Neighborhood Council Board and stakeholder Committee members to review expectations.

PUBLIC COMMENT: Community Impact Statements and letters filed are available on the Commission's EmpowerLA webpage.

CONCLUSION:

The proposed amendments to the Board of Neighborhood Commissioners Code of Conduct Policy are consistent with the envisioned desired characteristics of the Neighborhood Council System and values expressed in current Mayoral Executive Directives. These amendments provide clear guidelines of expected behavior in the Neighborhood Council System.

The recommendations include a well-defined process to involve Neighborhood Councils and their stakeholders in a notice of proposed rule-making comment period. By advancing a transparent and inclusive process, the Ad Hoc Committee and Department believes Neighborhood Councils will be more likely to integrate the final version of the Code of Conduct Policy into the Neighborhood Council System's meeting and decision-making culture.

Respectfully,



Raquel Beltran, General Manager
Department of Neighborhood Empowerment

**NEIGHBORHOOD COUNCIL BOARD MEMBER
CODE OF CONDUCT POLICY
2021-1**

WHEREAS, on June 19, 2020, Mayor Eric Garcetti issued Executive Directive No. 27 calling for efforts to ensure fairness, diversity, equal opportunity, and transparency in City government;

WHEREAS, the Board of Neighborhood Commissioners (the Commission) adopted a Code of Conduct Policy in 2016 and an amended Code of Conduct Policy in 2018, to govern the conduct of Neighborhood Council members;

WHEREAS, the Workplace Equity Policy protects volunteers, including Neighborhood Council board members from harassment, sexual harassment, hazing, bullying, and inequitable conduct, as defined in the Workplace Equity Policy, thus superseding and/or expanding the type of conduct encompassed by the Commission's current Code of Conduct policy;

WHEREAS, the Commission has long recognized that a Neighborhood Council System that is physically and emotionally safe and secure for all Board Members promotes good social responsibility, increases Stakeholder attendance and supports community engagement;

WHEREAS, the Commission recognizes that improper conduct may occur within the Neighborhood Council System, the Commission expects Board Members and Committee Members (including stakeholders serving on committees) to conduct themselves in a manner in keeping with the Commission's Code of Conduct and with a proper regard for the rights and welfare of other Board Members, Stakeholders, Committee Members, and volunteers;

WHEREAS, Section 902 (b) of Article IX of the City Charter provides that the Commission "shall be responsible for policy setting and policy oversight and the promulgation of rules and regulations but not be responsible for day to-day management;

NOW, THEREFORE, BE IT RESOLVED that the Commission amends the Code of Conduct policy to implement and administer the [City of Los Angeles Draft Workplace Equity Policy](#).

NOW, THEREFORE, IT IS FURTHER RESOLVED that the Commission amends the Code of Conduct POLICY NUMBER: 2014 2(2) to say:

POLICY NUMBER: 2021-(1)

1. Neighborhood Council Board Members and Committee Members are required to affirm acceptance of this policy (Exhibit "A") in the manner established by the Department. Neighborhood Council Board Members and Committee Members shall reaffirm acceptance of this policy every two years. This policy and the City's Workplace Equity Policy apply regardless of whether or not a Board Member or Committee Member has affirmed acceptance.
2. The Neighborhood Council shall have the responsibility for informing stakeholder and board Committee Members of their obligation to affirm and accept this policy as a condition of committee service. Maintaining a record of their completion shall be the responsibility of the Neighborhood Council.

AN EQUAL EMPLOYMENT OPPORTUNITY – AFFIRMATIVE ACTION EMPLOYER

3. Newly elected, selected, appointed or re-elected Neighborhood Council Board Members and Committee Members shall have a grace period of 30 days from the date the board member begins assuming their duties and responsibilities to comply with this policy as indicated in Item #1. Neighborhood Council Boards shall be responsible for informing appointed board and committee members of their responsibility to sign the Code of Conduct affirmation. Board Members and Committee Members should consult the applicable funding guidelines to determine their eligibility to vote on funding matters.
4. In such circumstances where a Neighborhood Council Board Member or Committee Member fails or refuses to comply with item #1, the Department shall proceed to suspend the Board Member or Committee Member from their Neighborhood Council. Said Board Member or Committee Member shall not be eligible to act on any matter that comes before their Neighborhood Council and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council or Committee.
 - a. The Department shall notify the Board Member (or Committee Member) of their suspension by sending a letter to their last known email address and/or physical mailing address.
 - b. The Department shall also notify the remainder of the Board Members by email and/or U.S. mail of the suspension of the Board Member (or Committee Member).
5. If within 30 days of being suspended the Neighborhood Council Board Member or Committee Member does not comply with the provisions of item #1 above, they shall be removed as a Neighborhood Council Board Member or Committee Member by the following procedures:
 - a. The Department will notify the individual of their removal by sending a letter to their last known email address and/or mailing address.
 - b. The Department will also notify the Board by email and/or First-Class U.S. mail regarding the removal of the Board Member or Committee Member and that the Board Member or Committee Member's seat or position shall be considered vacant.
 - c. Any Board Member [or Committee Member removed pursuant to this policy shall have the right to present to the Department evidence that he or she has in fact complied with this policy. The Department shall be the sole and final decision maker.
6. If a Board Member or Committee Member is alleged to have violated either the City's Workplace Equity Policy or the Commission's Code of Conduct, the Department, with written approval from the General Manager, may immediately suspend the Board Member or Committee Member for a period of up to 90 days. Said Board Member or Committee Member shall not be eligible to act on any matter that comes before their Neighborhood Council Board or Committee and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council Board or Committee.

The Department will notify the Board Member or Committee Member of their suspension by sending a letter to their last known email address and/or mailing

- a. The Department will also notify the Board by email and/or First Class U.S. mail regarding the suspension of the Board Member and that the Board Member's position shall not be deemed vacant during the suspension period.

- b. The Department shall be the sole decision-maker with respect to a suspension. The Board Member or Committee Member may not appeal the suspension decision.
 - c. The Neighborhood Council shall retain its authority to remove Committee Members for failure to affirm this policy or for failure to adhere to its provisions.
7. The Department may petition the Commission to remove the Board Member for a violation of the Workplace Equity Policy or this Policy pursuant to the process for Declaring a Board Vacancy in Los Angeles Administrative Code 22.810.1(e)(3).

ATTACHMENT A

1. Neighborhood Council Board Members and Committee Members shall conduct themselves in a professional and civil manner.
2. This Policy and the City's Workplace Equity Policy apply at all times and locations referenced within Section 2.2 of the City's Workplace Equity Policy, including at all Neighborhood Council meetings, events, activities, online and at social events when interacting with City employees, contractors, and Neighborhood Council Board Members, Committee Members and volunteers.
3. Neighborhood Council Board Members and Committee Members shall promote and, if necessary, enforce a safe and equitable environment. If other Board Members or Committee Members become disruptive or violate the Code of Conduct or the City's Workplace Equity Policy, Neighborhood Council Board and Committee Members have agreed to abide by, Board Members and Committee Members should demand that the offending Board Member or Committee Member conduct themselves in a respectful and orderly manner. In the absence of the board taking action to do so, employees of the Department may intercede to do so.
4. By signing this document, I affirm that I have received, read, and understand the Code of Conduct. I acknowledge that I have been informed of the expectation to abide by the Code of Conduct at the time of my appointment or election to the Board. I understand that if I fail to provide the Department of Neighborhood Empowerment with a signed and dated copy of this Neighborhood Council Board Member Code of Conduct, I may be subjected to suspension and/or removal from my Neighborhood Council Board.

I also understand that if I am found to have violated the signed Code of Conduct, I may be subject to censure and/or removal by my Neighborhood Council board and suspension and/or removal by action of the Department.

SIGNED

DATE