

TO: Neighborhood Council Board Members

FROM: BongHwan Kim, Interim General Manager, Department of Neighborhood Empowerment (DONE)

ADDENDUM RE: Neighborhood Council Election Transition to City Clerk

Los Angeles City Council Action on NC Elections

On December 18, 2007, the Los Angeles City Council approved Neighborhood Council Review Commission (NCRC) recommendation #45: "The City Clerk shall organize and run Neighborhood Council (NC) elections." The Council's action, soon to be codified as a City ordinance, will impact all Neighborhood Council (NC) elections, starting in 2008. The Council also took action on certain NCRC bylaws recommendations that will affect upcoming elections, including stakeholder definitions and board seats.

NC Elections: Transition to City Clerk Administration

The Council's Action on NCRC Recommendation #45, when adopted by ordinance, will authorize the City Clerk to administer Neighborhood Council elections, beginning in April of 2008. Thereafter, Neighborhood Council elections will be held during every even-numbered year.

During 2008, the Department of Neighborhood Empowerment's (DONE) administrative election duties will be transferred to the City Clerk's office. This will be a transitional year in which the City Clerk's office will be responsible for conducting NC elections during the 2nd quarter of 2008 (April – June) and the Department will have the responsibility of conducting those elections during the 1st quarter of 2008 (January –March) and the last half of 2008 (July – December).

Neighborhood Council Bylaws Amendments

Under the election system administered by the City Clerk, election procedures developed by the City Clerk will take precedence over any inconsistent procedures in your bylaws. Although much of the new election process will be standardized, the City Clerk has indicated that it will not make any substantive changes to your board's operations, e.g., the composition of your governing body or the ability of stakeholders to cast a vote for some or all board seats. Thus, to implement those aspects of your election that are specific to your neighborhood council, your bylaws should be clear so that the City Clerk will know how to administer your elections.

The following recommendations for bylaws amendments are consistent with the NCRC recommendations that have been adopted by the City Council. In 2008, Neighborhood Council Boards should make sure to incorporate these bylaws amendments into their current bylaws.

Bylaws Amendments Related to NCRC Recommendations

Board Term – This applies to those Neighborhood Councils scheduled to hold an election during the period the last half of 2008 (July-December), which have selected the City Clerk to administer their elections in the April-June, 2008 timeframe, or which have determined to extend their board terms to 2010.

Stakeholder Voting and Board Participation – The City Council approved the definition of a Neighborhood Council stakeholder recommended by the NCRC, i.e., "those who live, work, or own property in the neighborhood and also to those who declare a stake in the neighborhood and affirm the factual basis for it." Neighborhood Council bylaws should reflect this stakeholder definition.

Further, the bylaws should contain the provision that each stakeholder class within a Neighborhood Council's boundaries will have the ability to vote and run for an office on the board.

The bylaws should also provide an explanation of how stakeholders are allowed to vote for board seats. For instance, can a stakeholder cast a vote for each seat, or can he/she only vote for specific seats? If so, for which seats?

A Neighborhood Council can fulfill its obligation for board representation of stakeholders "who declare a stake in the community and affirm the factual basis for it" by adding an at-large seat open to any of the stakeholders in the Neighborhood Council area. Or, the board can add additional, named stakeholder seats, such as Community-Based Organization or Business seats, as long as all the classes of stakeholders in the Neighborhood Council area are represented. DONE's Neighborhood Advocates will be available to address questions concerning the composition of Neighborhood Council boards.

Staggered Elections – A board may decide that it will stagger its seats or that all of the board seats will be up for election in the same election cycle. Since it is anticipated that the City Clerk will hold elections in even-numbered years (2008, 2010, 2012, etc). 2-year or 4-year board terms will be standardized. *If Neighborhood Councils wish to hold staggered-board elections, their bylaws should indicate which seats are up for election in each election cycle.* The bylaws should also indicate that a board member's term will be extended until a successor is elected or appointed.

Vacancy Provision – If a board's bylaws do not contain a provision that allows for a board vacancy to be filled, such a provision should be incorporated into the bylaws. This is especially important for those Neighborhood Councils whose board terms will be extended until 2010.

Bylaws Affected By Rules Adopted by the City Council and/or the City Clerk

Election procedures developed by the City Clerk will take precedence over any provisions of Neighborhood Council bylaws that are inconsistent with City Council elections bylaws amendments. This will ensure that basic provisions of Neighborhood Council election procedures are standardized throughout the City.

Even though this is the case, boards are encouraged to take official action to add the following amendments to their bylaws:

City Clerk Administration of Elections: The bylaws of Neighborhood Councils opting to have the City Clerk conduct their elections in 2008 should delete any provisions that detail the current process and should state the following: "The Neighborhood Council's election will be conducted by the City Clerk every 2 years in every even-numbered year in accordance with the rules and regulations promulgated by the City Clerk."

Stakeholder Voting Age – Neighborhood Councils will want to make sure that their bylaws indicate any age limitation required for a stakeholder to be able to vote. The City Clerk intends to allow a default minimum age of 12 for stakeholders to be able to vote. If a Neighborhood Council wishes to impose an age limitation greater than 12 years of age, it should amend its bylaws to indicate the age requirement it wishes to utilize.

Stakeholder Verification – Board bylaws should explain the method that is required for a stakeholder to vote or run for office as a candidate (whether specific kinds of verification must be provided or whether self-affirmation will be accepted). For those elections that will be held in 2008, the City Clerk will ask for whatever verification, if any, a Neighborhood Council's bylaws require.

Board Composition and Term – A Neighborhood Council’s bylaws should clearly specify what constitutes stakeholder eligibility for its board seats. For instance, the bylaws should indicate seats that are set aside for specific stakeholder interests, seats that are specific to certain geographic regions within the Neighborhood Council boundaries, and seats that are At-Large. *The composition of a board must be balanced so that no single stakeholder group may form a majority of the board.*

If a Board does not wish to hold staggered elections, those provisions of the board’s bylaws relating to the term of office should indicate that board terms are limited to two years, or until a successor is elected or appointed.

Officer Elections – Neighborhood Councils will want to ensure that their bylaws explain whether their officers are elected by the board or by the stakeholders casting ballots at an election. If officers are elected by the board, the board’s bylaws should specify when those elections will occur (e.g., at the first board meeting following the City Clerk conducted elections and/or at a specific board meeting on another date--month/year--, depending upon how often the board’s officers or elected). Boards may also want to specify that officers serve at the will of the board and that they may be re-appointed at any time.

Process to Amend Bylaws

While we understand the importance of having accurate bylaws, our limited staff resources means that we will not be able to process 89 bylaw amendments if received at the same time. Therefore, we are seeking Neighborhood Council cooperation in submitting bylaw amendment applications for processing and approval. We will ask Neighborhood Councils to prioritize those bylaw amendments that we have identified above that would be immediately necessary to conduct their election and will work with them in processing those that are not as critical. We will likely prioritize amendments for neighborhood councils whose elections are scheduled for 2008.

To accomplish this task, we recommend the following process so that the Department can work with Neighborhood Councils to ensure successful implementation of the new election process:

(1) Neighborhood Councils should immediately identify the provisions in their bylaws that we have identified as requiring amendments to comport with the new system and the changes adopted by the City Council.

(2) Once Neighborhood Councils have identified the provisions that need amending, follow the process specified in their bylaws to approve those amendments.

(3) After approval, the assigned Neighborhood Council Advocate will work with the Neighborhood Council to prepare a tentative bylaw amendment application. The Neighborhood Council Advocate will then coordinate with the Neighborhood Council on the timing of submitting the bylaw amendment application. As we mentioned earlier, we are asking for Neighborhood Council cooperation in submitting the bylaw amendment applications, so that we have appropriate resources to address the large amount of applications we anticipate receiving.

Thank you very much for time and attention to this matter. For more information, please contact your DONE Neighborhood Council Advocate. Our main phone line is: 213-485-1360. You may also reach us via the toll-free City of Los Angeles access line: 3-1-1.

CC: Frank Martinez, City Clerk

Gwen Poindexter, Office of the City Attorney
Peter King, Office of the City Attorney
Darren Martinez, Office of the City Attorney
Tom Griego, Office of the City Attorney
Linda Lucks, President, Board of Neighborhood Commissioners