

ORDINANCE NO. 176704

An ordinance amending Ordinance No.174006 and Ordinance No.174975 to codify the regulations for the Citywide System of Neighborhood Councils into the Los Angeles Administrative Code and to add a provision regarding Neighborhood Council Election Procedures.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 22.810.1 is added to Article 2, Chapter 28 of Division 22 of the Los Angeles Administrative Code to read:

Sec. 22.810.1. Regulations Implementing the Plan for a Citywide System of Neighborhood Councils (Plan).

(a) **Department Responsibilities.** In addition to the responsibilities set forth in Article IX of the City Charter and Section 22.801 of this Code, the Department of Neighborhood Empowerment (Department) shall:

(1) Assist all groups and stakeholders seeking certification so they will have an equal opportunity to form and develop Neighborhood Councils by:

(A) Providing assistance to areas of the City with traditionally low rates of participation in government;

(B) Helping communities understand the processes and procedures for establishing a Neighborhood Council;

(C) Assisting with completion of certification documentation; and

(D) Mitigating barriers to participation, such as the need for translation and child care services.

(2) Assist neighborhoods and Neighborhood Councils with public and civic education, outreach and training with an emphasis given to areas that have traditionally low rates of participation in government.

(3) Assist applicants and neighborhoods to prepare all petitions and forms referenced in the Plan, to identify suitable Neighborhood Council boundaries, and organize Neighborhood Councils in accordance with the Plan.

(4) Assist Neighborhood Councils with the election or selection of their governing body.

(5) Help coordinate meetings and facilitate communication among Neighborhood Councils that request assistance.

(6) Help coordinate, arrange, and convene the biannual Congress of Neighborhood Councils meetings.

(7) Promote and facilitate open communication among City agencies and Neighborhood Councils, and provide education, guidance and assistance in developing strategies for providing comments and feedback to the City Council and its committees and City boards and commissions.

(8) Provide operational support and facilitate the sharing of resources among Neighborhood Councils, including, but not limited to, meeting and office space, office equipment, and mail and communications in order to communicate among constituents, Neighborhood Councils, and government officials.

(9) Create and maintain a database of information about Neighborhood Councils, including, among other information, names and contact information that will be available for public use.

(10) Act as an information clearinghouse and resource to Neighborhood Councils.

(11) Coordinate efforts to establish and ensure continued operation of the Early Notification System as prescribed in the Plan.

(12) Arrange training for Neighborhood Councils' officers and staff.

(13) Review and evaluate the Neighborhood Council System on an annual basis. As part of its annual report, the Department shall provide information on the size, geographic scope, and economic and demographic conditions of areas in which Neighborhood Councils have and have not been certified.

(14) Report quarterly, commencing from the adoption date of the Plan, to the appropriate Council Committee on the Department's certification efforts, and on strategies and recommendations for certifying areas with traditionally low rates of civic participation in government to ensure participation by all the City's neighborhoods in the certification process.

(15) Provide adequate levels of staffing, with consideration to resource availability, for each Neighborhood Council.

(b) **Certification of Neighborhood Councils.**

(1) **Department Responsibilities.** The Department shall have the following responsibilities:

(A) Announce and inform the public of the Neighborhood Council certification process Citywide.

(B) Actively promote the formation of Neighborhood Councils Citywide, giving emphasis to those areas and community stakeholder groups with traditionally low rates of civic participation in government.

(C) Facilitate and encourage collaboration and discussion among neighboring and overlapping applicant groups.

(D) Provide technical assistance on how to proceed with a unified certification application.

(E) Provide dispute resolution services to applicants where more than one application is submitted for a Neighborhood Council boundary area to gain consensus on a unified certification application.

(2) **Qualification and Criteria for Neighborhood Council Certification.** Any group of persons in a community may seek certification as a Neighborhood Council by presenting an application to the Department that includes the following information:

(A) A boundary proposal that sets forth the rationale for the boundary choice, and shows how the boundaries comply with the following Boundary Goal Criteria:

(i) The proposed area has a minimum of 20,000 residents. However, areas that have fewer than 20,000 residents may be considered for certification providing they meet the following criteria and otherwise meet all other requirements of the Plan:

(1) The proposed area is separated from adjacent communities by significant geographic or other features; or

(2) The proposed area is identified by name within any of the adopted community plans within the City of Los Angeles; or

(3) The proposed area represents an historic, identifiable neighborhood or community and includes local

City service providers, such as a public library, park or recreation center, fire or police station or a public school.

(ii) The proposed area, to the maximum extent feasible, follows historic and contemporary community and neighborhood borders, utilizes natural boundaries or street lines and is geographically compact and contiguous.

(iii) Neighborhood Council boundaries may not overlap with other Neighborhood Council boundaries unless the area proposed for inclusion into each Neighborhood Council is designated for a public use, such as a park, school, library, police or fire station or major thoroughfare or contains a landmark or facility with historical significance.

The application proposal for overlapping boundaries with another Neighborhood Council must include a detailed rationale for incorporating the proposed area.

(B) A detailed description of the outreach process used to identify community stakeholders within the proposed Neighborhood Council boundary as well as the following:

(i) Proof of the collection of no less than 200 and no more than 500 signatures from community stakeholders within the proposed Neighborhood Council boundaries.

(ii) Signatures shall, to the maximum extent feasible, reflect the broadest array of community stakeholders who will be active participants in the Neighborhood Council.

(C) A copy of the Neighborhood Council's approved by-laws, which shall include the following:

(i) The Neighborhood Council name.

(ii) A statement that the Neighborhood Council membership is open to all community stakeholders.

(iii) A list of the offices of its governing body and its method for regularly electing or selecting its officers who shall serve as the governing body subject to the following:

(1) The governing body must, to the extent possible, reflect the diversity of the Neighborhood Council's community stakeholders. No single stakeholder group may

comprise a majority of the Neighborhood Council's governing body, unless approved by the Department upon a showing of extenuating circumstances.

(2) No person may serve more than eight consecutive years in any office of the governing body.

(3) The governing body shall include an officer named "Treasurer," whose duties shall include, but not be limited to, maintaining the Neighborhood Council's book of accounts and submitting account statements to the Department no less than once but not more than three times during the fiscal year, as prescribed by the Department.

(iv) A description of its meeting procedures, which shall include provisions that each Neighborhood Council shall do the following:

(1) Meet at least once per calendar quarter.

(2) Obey any or all applicable sections of the state's Ralph M. Brown Act.

(3) Establish procedures for communicating with all Neighborhood Council community stakeholders on a regular basis in a manner that ensures that information is disseminated throughout and in a timely manner.

(4) Adopt procedures for running meetings, including provisions that identify: the number of governing body members that constitute a majority and a quorum; the number of votes by which a governing body may take an action on a matter before it; the manner in which an action by the governing body can be reconsidered, if at all.

(v) The method it will use to address grievances and resolve disputes by which an individual community stakeholder or group of community stakeholders of a Neighborhood Council may express concerns to their Neighborhood Council about its actions.

(D) A description of its system of financial accountability that meets the requirements set forth in Article III, Section 2 (d) of the Plan.

(E) An acknowledgment and agreement that the Neighborhood Council will abide by any applicable provisions of the City's Governmental Ethics Ordinance, as set forth in Los Angeles Municipal

Code Section 49.5.1 *et. seq.*, and an acknowledgment and agreement that it will abide by all applicable laws of the federal, state and local government.

(F) The names of no fewer than three and no more than five individuals who shall act as official contacts between the applicants and the Department until the Neighborhood Council is certified.

(c) **Certification Process.**

(1) **Certification.** The Department will review and make an evaluation of the certification application to determine whether the application meets all of the criteria set out in Article III, Section 2 of the Plan.

(2) **Department Responsibilities.** Once a certification application is submitted to the Department, the Department shall evaluate the application to determine whether it is complete. After determining that an application is complete and that it describes a specific set of boundaries for a proposed Neighborhood Council, the Department shall forward the application, any accompanying information, and its recommendation to the Board of Neighborhood Commissioners (Commission) for consideration and notify the Neighborhood Council in writing that the application has been forwarded to the Commission for its consideration. The Department shall evaluate the certification application and make a recommendation to the Commission pursuant to the procedures set forth in Article IV of the Plan.

(A) If the Department receives two or more certification applications that identify the same, similar, or overlapping Neighborhood Council boundaries, the Department shall immediately notify in writing all contacts, as required to be identified in Paragraph (F) of Subdivision (2) of Subsection (b) of this section and Article III, Section 2 (f) of the Plan, for all affected applicant groups in an effort to work with applicants to produce a unified application. The procedures set forth in Article IV Section 2 (b) of the Plan should then be followed to the maximum extent feasible.

(B) If at any time during the process as described in Article IV of the Plan, the Department determines that an application is not complete, it shall return the application to the applicants along with a written description of the missing components required for the certification application. Applicants may thereafter at any time re-submit the application after amending it to meet all the necessary criteria.

(C) If the Department fails to evaluate or make a recommendation on the application as set forth in Article IV, Section 2

of the Plan, the Department shall forward the application to the Commission for its consideration without the Department's recommendation.

(3) Before the Commission acts on a proposed certification, the matter shall be set for a public hearing. The Department shall post public notices, as set forth in Article IV, Section 3 of the Plan, setting forth the time, place and purpose of the hearing, which shall be posted within the boundaries of the proposed Neighborhood Council for 15 days. The notices shall be translated in accordance with the provisions set forth in Article IV, Section 3 of the Plan.

Notice of the time, place and purpose of the hearing shall also be mailed to the applicant and to the contacts identified in the application as required in Paragraph (F) of Subdivision (2) of Subsection (b) of this section, within the time frames set forth in Article IV, Section 3 of the Plan. The Commission shall act on the certification within ten days after the expiration of the 15 day posting period, unless the Commission's regularly scheduled meeting does not fall within this ten day period or unless the Commission and the Neighborhood Council applicants agree to an extension of time.

The Commission meeting should be conducted within the boundaries of the proposed Neighborhood Council, if feasible. In a case where two or more certification applications have identified the same, similar, or overlapping Neighborhood Council boundaries, the Commission shall make a final determination on how the final boundaries of each Neighborhood Council shall be drawn, giving consideration to the criteria set forth in Article III, Section 2(a) of the Plan and any other applicable provisions of the Plan. The Commission shall either approve or disapprove the certification application based upon the criteria set forth above in Subdivision (2) of Subsection (b) of this section and the criteria set forth in the Plan.

(4) **Appeals.** If the Commission approves the application, the proposed Neighborhood Council shall be recognized and certified as a Neighborhood Council. If the Commission disapproves the application, the applicants may appeal to the City Council within the time as set forth in Article IV, Section 9 of the Plan. The City Council may, by ten votes, sustain, reverse or modify the Commission's decision to disapprove a certification application.

(d) **Boundary Adjustment.**

(1) **Adjustment of Boundaries.** A Neighborhood Council may file a petition with the Commission to adjust its boundaries. All petitions must meet the criteria set forth in this section and in Article III, Section 2 of the

Plan. Reasons for boundary adjustments may include, but are not limited to:

- (A) Incorporating an uncertified adjacent community into the Neighborhood Council;
- (B) Reconfiguring the size of the Neighborhood Council based on a decrease or increase in population; or
- (C) Increasing or reducing the size of the Neighborhood Council to increase effectiveness and efficiency.

(2) Boundary Adjustment Other Than Incorporation.

(A) **Department Responsibilities.** The Department shall review a petition within 15 days of its receipt and make a recommendation to the Commission. Before the Commission acts on a proposed boundary adjustment, the matter shall be set for a public hearing. Fifteen days prior to the hearing, the Department shall post public notices within the boundaries of the Neighborhood Council, stating the time, place and purpose of the hearing, as set forth in Article VI, Section 2(d) of the Plan. The notices shall be translated in accordance with the provisions set forth in Article VI, Section 2(d)(ii) of the Plan.

Notice of the time, place and purpose of the hearing shall also be mailed to the applicant pursuant to the time frames set forth in Article VI, Section 2 (d) of the Plan. The Commission meeting should be conducted within the boundaries of the proposed Neighborhood Council, if feasible. The Commission shall act on the boundary adjustment within ten days after the expiration of the 15-day posting period, unless the Commission's regularly scheduled meeting does not fall within this ten day period or unless the Commission and the Neighborhood Council applicants agree to an extension of time.

(B) **Commission Action.** The Commission shall consider the recommendation of the Department, review the petition and determine whether the petition meets the criteria of this ordinance and Article VI, Section 2 of the Plan at a public hearing, noticed as set forth in Paragraph (2)(A) above, and make its determination within ten days of receipt of the Department's recommendation, unless the Commission's regularly scheduled meeting does not fall within this ten day period or unless the Commission and the Neighborhood Council applicants agree to an extension of time.

(C) **Appeals.** If the Commission approves the petition, the Neighborhood Council boundary shall be determined to be changed in accordance with the petition. If the Commission disapproves the petition, the Neighborhood Council may appeal to the City Council within the time set forth in Article VI, Section 2 (b) of the Plan. The City Council may, by ten votes, sustain, reverse or modify the Commission's decision to disapprove a boundary adjustment petition.

(3) **Incorporation Into Adjoining Neighborhood Councils.** The Commission shall have the authority to expand a Neighborhood Council's boundary in order to incorporate an area of the City that has not formed a Neighborhood Council into the boundary of another, adjoining Neighborhood Council provided that:

(A) The proposed area to be incorporated into a Neighborhood Council's boundary lies between two or more Neighborhood Councils;

(B) The proposed area to be incorporated does not qualify for certification under the provisions of this Plan; and

(C) Community stakeholders of the proposed area to be incorporated and of the affected Neighborhood Council agree to the proposed incorporation.

(4) **Incorporation Initiated by an Entity Other than the Commission.** An incorporation petition may be submitted by an entity other than the Commission, if community stakeholders of the area to be incorporated and of the affected certified Neighborhood Council have agreed to the proposed incorporation.

(A) **Department Responsibilities.** After determining that an incorporation petition initiated by community stakeholders or an entity other than the Commission is complete, the Department shall forward the petition, any accompanying information and its recommendation to the Commission for consideration. The Department shall notify the Neighborhood Council in writing that the petition has been forwarded to the Commission for its consideration. The Department shall evaluate the petition and make a recommendation to the Commission pursuant to the procedures set forth in Article VI of the Plan.

(i) If at any time during the process as described in Article VI of the Plan, the Department determines that a petition is not complete, it shall return the petition to the applicants along with a written description of the missing components required for the petition. Applicants may thereafter at any time re-submit the application after amending it to meet all the necessary criteria.

