

City of Los Angeles Ordinance No. 174006



An ordinance establishing Regulations to implement the Plan For a Citywide System of Neighborhood Councils (Plan).

WHEREAS, the City Charter created the Department of Neighborhood Empowerment (Department) and a citywide system of neighborhood councils; and

WHEREAS, the Department of Neighborhood Empowerment has completed the development of the Plan which contains goals, policies and objectives of the Neighborhood Council system; and

WHEREAS, the Governmental Efficiency Committee of the City Council has reviewed the Draft Plan and has made recommendations thereto; and

WHEREAS, the goals and objectives of the Neighborhood Council system are to: promote public participation in City governance and decision-making processes so that government is more responsive to local needs and requests and so that more opportunities are created to build partnerships with government to address local needs and requests; promote and facilitate communication, interaction, and opportunities for collaboration among all neighborhood councils regarding their common and disparate concerns; facilitate the delivery of City services and City government responses to neighborhood councils' problems and requests for assistance by helping neighborhood councils to both identify and prioritize their needs and to effectively communicate those needs; ensure equal opportunity to form neighborhood councils and participate in the government decision-making and problem solving process; create an environment in which all people can organize and propose their own neighborhood councils so that they develop from the grassroots of the community; foster a sense of community for all people to express ideas and opinions about their neighborhoods and their government; and

WHEREAS, these Regulations required by the City Charter, will implement the Plan to ensure that the policies, goals and objectives of the Neighborhood Councils system will be achieved;

NOW, THEREFORE,

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

Sec. 1. Department Responsibilities. In addition to the responsibilities set forth in Article IX of the City Charter and Section 22.801 of the Los Angeles Administrative Code, the Department shall:

A. Assist all groups and stakeholders seeking certification so they will have an equal opportunity to form and develop neighborhood councils by:

1. Providing assistance to areas of the City with traditionally low rates of participation in government;
2. Helping communities understand the processes and procedures for establishing a neighborhood council;

- 3.** Assisting with completion of certification documentation; and
 - 4.** Mitigating barriers to participation, such as the need for translation and childcare services.
- B.** 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.
 - C.** 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.
 - D.** Assist neighborhood councils with the election or selection of their governing body.
 - E.** Help coordinate meetings and facilitate communication among neighborhood councils that request assistance.
 - F.** Help coordinate, arrange, and convene the biannual Congress of Neighborhood Councils meetings.
 - G.** 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.
 - H.** 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.
 - I.** 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.
 - J.** Act as an information clearinghouse and resource to neighborhood councils.
 - K.** Coordinate efforts to establish and ensure continued operation of the Early Notification System as prescribed in the Plan.
 - L.** Arrange training for neighborhood councils' officers and staff.
 - M.** 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.
 - N.** 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.
 - O.** Provide adequate levels of staffing, with consideration to resource availability, for each neighborhood council.

Sec. 2. Certification of Neighborhood Councils.

A. Department Responsibilities. On or about July 1, 2001, the Department shall have the following responsibilities:

1. Announce and inform the public of the neighborhood council certification process citywide; however, the Department shall not accept completed certification applications until October 1, 2001.
2. 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.
3. Facilitate and encourage collaboration and discussion among neighboring and overlapping applicant groups.
4. Provide technical assistance on how to proceed with a unified certification application.
5. 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.

B. 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:

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

(a) 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.

(b) 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.

(c) 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.

2. A detailed description of the outreach process used to identify community stakeholders within the proposed neighborhood council boundary as well as the following:

(a) Proof of the collection of no less than 200 and no more than 500 signatures from community stakeholders within the proposed neighborhood council boundaries.

(b) Signatures shall, to the maximum extent feasible, reflect the broadest array of community stakeholders who will be active participants in the neighborhood council.

3. A copy of the neighborhood council's approved by-laws, which shall include the following:

(a) The neighborhood council name.

(b) A statement that the neighborhood council membership is open to all community stakeholders.

(c) 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.

(d) 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.

(e) 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.

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

5. 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.

6. The names of no less 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.

Sec. 3. Certification Process.

A. 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.

B. 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.

1. 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 Subdivision 6 of Subsection B of Section 2 of this ordinance 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 thereafter be followed to the maximum extent feasible.

2. 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.

3. 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.

C. 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 Subdivision 6 of Subsection B of Section 2 of this ordinance, 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 Subsection B of Section 2 of this ordinance and the criteria set forth in the Plan.

D. 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.

Sec. 4. Boundary Adjustment.

A. 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 ordinance and in Article III, Section 2 of the Plan. Reasons for boundary adjustments may include, but are not limited to:

1. Incorporating an uncertified adjacent community into the neighborhood council;
2. Reconfiguring the size of the neighborhood council based on a decrease or increase in population; or
3. Increasing or reducing the size of the neighborhood council to increase effectiveness and efficiency.

B. Boundary Adjustment Other Than Incorporation.

1. 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 proposed neighborhood council, setting forth the time, place and purpose of the hearing, as set forth in Article V, Section 2(d) of the Plan. The notices shall be translated in accordance with the provisions set forth in Article V, 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 V, 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.

2. 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 V, Section 2 of the Plan at a public hearing, noticed as set forth in Section 4B 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.

3. 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 V, 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.

C. 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:

1. The proposed area to be incorporated into a neighborhood council's boundary lies between two or more neighborhood councils;
2. The proposed area to be incorporated does not qualify for certification under the provisions of this Plan; and
3. Community stakeholders of the proposed area to be incorporated and of the affected neighborhood council agree to the proposed incorporation.

4. Department Responsibilities. After determining that a petition 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 V of the Plan.

(a) If at any time during the process as described in Article V 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.

(b) If the Department fails to evaluate or make a recommendation on the petition as set forth in Article V, Section 2 (d) of the Plan, the Department shall forward the application to the Commission for its consideration without the Department's recommendation.

5. Commission Action. Before the Commission acts on the petition, the matter shall be set for a public hearing. The Department shall post public notices, as set forth in Article V, Section 2 (d) 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 V, 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 V, 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 incorporation petition 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.

6. Appeals. If the Commission approves the petition, the proposed area shall be incorporated into the neighborhood council named in the Incorporation Petition. If the Commission disapproves the petition, the applicants may appeal that decision to the City Council within the time frames set forth in Article V, Section 2 (d) (vii) of the Plan. The City Council may, by ten votes, sustain, reverse or modify the Commission's decision to disapprove the petition.

Sec. 5. Complaints Concerning Neighborhood Councils, DeCertification

A. Complaints Concerning Neighborhood Councils. If the Department receives a complaint of a violation of any provision of the Plan, including, but not limited to, a violation of open meeting procedures, a failure to comply with the diversity goals of the Plan and/or violations of the code of ethics, the Department shall notify the neighborhood council of these complaints and take steps to resolve the complaint with the neighborhood council. Efforts to achieve compliance with the Plan and any other applicable state, federal and local ordinances, including but not limited to complaints involving violation of open meeting procedures, a failure to comply with the diversity goals of the Plan and/or violations of the code of ethics must first be made by the Department prior to initiating an action to de-certify a neighborhood council.

B. Involuntary De-Certification. If the Department finds that efforts taken pursuant to Subsection A above to bring the neighborhood council into compliance with the Plan or applicable local, state or federal laws have failed, the Department may initiate decertification by recommending to the Commission that the neighborhood council be decertified.

1. Department Responsibilities. Once the Department has determined that efforts taken pursuant to Subsection A to bring the neighborhood into compliance with the Plan have not been successful, the Department may initiate de-certification by taking the steps set forth in Article V, Section 5 of the Plan.

2. Commission Action. Before the Commission acts on a proposed decertification, 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 proposed neighborhood council, setting forth the time, place and purpose of the hearing, as set forth in Article V, Section 5(b) of the Plan. The notices shall be translated in accordance with the provisions set forth in Article V, Section 5(b)(iii) of the Plan. At the same time that notices are posted pursuant to Article V, Section 5 (b) of the Plan, notice of the time, place and purpose of the hearing shall also be mailed to the official contacts for the neighborhood council.

The Commission meeting should be conducted within the boundaries of the proposed neighborhood council, if feasible. The Commission shall act on the decertification within ten days after the expiration of the 15-day posting period, unless the Commission's next regularly scheduled meeting does not fall within this ten-day period or unless the Commission and the neighborhood council agree to an extension of time.

The Commission may de-certify a neighborhood council based upon substantial evidence and upon a finding that the neighborhood council has failed to demonstrate the willingness or ability to comply with the provisions of the Plan or a finding that the neighborhood council is unwilling or unable to comply with applicable local, state and federal laws. If the Commission de-certifies a neighborhood council, it shall no longer be officially recognized as a certified neighborhood council in the City of Los Angeles and shall return all City-owned resources, including unexpended City appropriated funds, to the City within five days after the City has taken its final action to de-certify the neighborhood council.

3. Appeals. If the Commission de-certifies a neighborhood council, the neighborhood council may file an appeal pursuant to the provisions of Article V, Section 5 (f) of the Plan. The City Council may, by ten votes, sustain, reverse or modify the Commission's decision to de-certify the neighborhood council.

D. Voluntary De-Certification.

1. A neighborhood council may file a petition with the Commission for decertification. A de-certification application must be signed by at least 3/4 of the governing body of the neighborhood council seeking decertification and must also include the following:

- (a)** Evidence of the processes used for outreach to stakeholders and the involvement of stakeholders in the decision to de-certify;
- (b)** Evidence that stakeholders in the neighborhood council area have been surveyed on the de-certification application;
- (c)** Evidence that the neighborhood council's governing body has widely publicized within the neighborhood council area the fact that there is an application for de-certification pending before the Commission in its neighborhood council area; and
- (d)** Evidence that the neighborhood council took its formal action on the decertification after giving a 15-day public notice.

2. Department Responsibilities. Fifteen days prior to the hearing, the Department shall post public notices within the boundaries of the proposed neighborhood council, setting forth the time, place and purpose of the hearing, as set forth in Article V, Section 6 (b) of the Plan.

The notices shall be translated in accordance with the provisions set forth in Article V, Section 6(b)(iii) of the Plan. At the same time that notices are posted pursuant to Article V, Section 6 (b) of the Plan, notice of the time, place and purpose of the hearing shall also be mailed to the official contacts for the neighborhood council.

3. Commission Action. The Commission meeting should be conducted within the boundaries of the proposed neighborhood council, if feasible. The Commission shall act on the de-certification within ten days after the expiration of the 15-day notice period, unless the Commission's next regularly scheduled meeting does not fall within this ten-day period or unless the Commission and the neighborhood council agree to an extension of time. The Commission may decertify a neighborhood council based upon a finding that the evidence set forth in Section D 1 above has been shown and a finding that 3/4 of the governing body of the neighborhood council has consented to the de-certification.

If the Commission approves the petition, the neighborhood council shall be decertified and will no longer be officially recognized as a certified neighborhood council in the City of Los Angeles and shall return all City owned resources, including unexpended City-appropriated funds, to the City within five days after the City has made its final decision to decertify the neighborhood council.

4. Appeals. If the Commission disapproves the petition, the neighborhood council may file an appeal pursuant to the provisions of Article V, Section 6 (f) of the Plan. The City Council may, by ten votes, sustain, reverse or modify the Commission's decision to decertify the neighborhood council.

Sec. 6. Early Notification System (ENS)

A. ENS Website. The Department may assist the Information Technology Agency in coordinating the development of an ENS website through which information may be made available to certified neighborhood councils by the City Council, its committees, and City boards and commissions.

B. Procedures for Sharing City Information with and Receiving Comment from Neighborhood Councils.

1. Information from the City should be sent to certified neighborhood councils as soon as practical so that certified neighborhood councils are afforded as much opportunity as is practical to provide comment before decisions are made.

2. Certified neighborhood councils may provide comment and feedback to the City Council, its committees, and to City boards and commissions by using the ENS.

3. The neighborhood council may communicate its views either by way of mailed letter, fax, E-mail, or by a representative appearing in person to make a presentation on an item before the City's decision-makers. Should each certified neighborhood council be provided with an electronic mail (e-mail) address, pursuant to Article VII of the Plan, the use of this e-mail address shall be strictly limited to official neighborhood council business, such as communicating with neighborhood council members about meeting times and places and communicating with the City regarding matters of importance to neighborhood councils.

Sec. 7. Funding (As Amended on Nov 8, 2003, Ord. 174975)

A. Money appropriated in the budget each year for certified neighborhood councils for costs related to the functions, operations, and duties of being a certified neighborhood council shall be placed in the Department of Neighborhood Empowerment Fund. The functions, operations, and duties of a certified neighborhood council include, but are not limited to, meeting and office space, office equipment, computers, supplies, and communications, such as the costs associated with newsletters, postage, or printing written materials. At the discretion of each neighborhood council, and as approved by the Department of Neighborhood Empowerment, all or part of the money so appropriated may be used for neighborhood improvement projects.

B. Any money, which the Mayor and Council appropriate as grant funds, each fiscal year for certified neighborhood councils shall be available for various neighborhood improvement projects. In order to be eligible for grant money, a certified neighborhood council shall submit an application to the Department and may be awarded grants, pursuant to the provisions as set forth in Article VIII, Section 2 of the Plan.

Sec. 8. Severability. If any provision of this Ordinance or its application to any person, property or circumstances, is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Ordinance or the application of those provisions to other persons, property or circumstances, which can be implemented without the invalid provisions, and, to this end, the provisions of this Ordinance are declared to be severable.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in a daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of May 15, 2001.

J. MICHAEL CAREY, City Clerk
By KONRAD CARTER, Deputy

Approved _____

Mayor _____

Approved as to Form and Legality
JAMES K. HAHN, City Attorney
By GWENDOLYN R. POINDEXTER Assistant City Attorney

Said ordinance was presented to the Mayor on May 17, 2001; the Mayor returned said ordinance to the City Clerk on May 31, 2001 without his approval or his objections in writing, being more than ten days after the same was presented to the Mayor.

Said ordinance shall become effective and be as valid as if the Mayor had approved and signed it.
(Section 250(b), City Charter)
C. F. 96-1157-S4