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November 9, 2010

Honorable Members of the
Education and Neighborhoods Committee
c/o Office of the City Clerk, Room 395
City Hall, 200 North Spring Street
Los Angeles, CA 90012

Attention: Erika Pulst - Legislative Assistant

Date: 11-10-2010
Submitted in EN Committee
Council File No: 09-1115-54
Item No. 1
Deputy: E. Pulst

**SUBJECT: DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT REPORT ON
NEIGHBORHOOD COUNCIL ELECTION ADMINISTRATION**

Honorable Members:

The Department of Neighborhood Empowerment (Department) has reviewed the report submitted by the Office of the City Clerk, titled "After-Action Report for the 2010 Neighborhood Council Board Elections" and the various options for the administration of the Neighborhood Council (NC) elections provided for your consideration. This report offers additional information regarding how the Department conducted elections in the past and some best practices regarding elements that worked well about elections under the Department's purview.

While the City Clerk has offered greater standardization, there seems to be a need for greater collaboration with NCs to develop and implement a comprehensive education and outreach effort, staff accessibility and assistance in the planning and implementation, and post election tasks. Following is a summary of the work and the role performed by the Department and recommendations to improve the current process.

Background

Since the inception of the Neighborhood Council system in the City of Los Angeles, the Department had been responsible for assisting NCs with their elections. Beginning in late 2001 through 2007, elections were held as NCs were certified, in accordance with the process identified in the bylaws of each individual NC, and with the regularity stipulated therein. The Department was responsible for oversight of all NC election components including the administration, preparation of logistics, outreach, and adjudication of challenges. Each election cycle provided the opportunity to identify areas for improvement and best practices by each NC and the Department, helping to further develop the process.

The retooling and adoption of policies to address areas of concern became integral in the gradual evolvement of NC elections.

There were some key elements under the administration by the Department:

- **Election Policy Development**

The citywide elections policy was developed over the course of nearly two years with an extraordinary amount of public input, feedback, and participation. Once adopted, the lengthy public process gave the election procedures political legitimacy even when individual stakeholders or NCs objected to a specific outcome.

- **Election Procedure Development and Approval**

In addition to the citywide election procedures adopted by the Board of Neighborhood Commissioners and the City Council, each NC was responsible for approving its own election procedures and ensuring that they were crafted in keeping with their bylaws. This ensured that NC governing bodies were accountable to their own processes and their stakeholders while allowing for self-governance.

- **Outreach**

Outreach is integral in the success of the NC elections. It has always been a challenge, but, to date, only the Department has been able to conduct it evenly and consistently across the City. The Department always invested the greatest portion of program resources, aside from staff time, to outreach, paying for printing and mass distribution of election notices. The Department incurred the cost of two election notice distributions for each NC during each election cycle to assist with outreach. There was a mutual understanding that NCs were also expected to share in the responsibility to turn people out during an election and to engage their constituency.

- **Independent Election Administrators (IEAs)**

The IEAs were critical to the success of the program. The Department recruited and trained highly motivated IEAs, who gained expertise in the citywide election procedures and in the election administration process quickly. Their adaptation was facilitated by standardization of materials and processes to support them in their administrative duties. These included reference materials and templates developed by Department staff and resource kits stocked and provided by Department's administrative staff.

- **Election Challenge Resolution**

The original citywide election procedures envisioned a challenge review panel similar to that composed by the City Clerk for its most recently conducted NC election cycle. However, the Department was never able to dedicate sufficient resources to the recruitment and training of the panel members.

- **Professional Support**

Key to the administration and conduct of NC elections has been the Department's professional staff who participated in the development of the election policy; trained NC board members, election committees and stakeholders on the development of election procedures; reviewed and approved election procedures; and developed, designed and translated outreach materials and election documents. Additionally, Department staff often assisted NCs in addressing underlying organizational issues that impacted their ability to conduct elections such as the inability to attain a quorum. Upwards of thirty percent of each field staff's time was dedicated to the conduct of NC elections.

- **Administrative Support**

The administrative support from Department staff was also critical to the success of the program. It was an intensive task to maintain individual NC files of the various drafts and the final approved election procedures, bylaw amendments, and NC correspondence; along with routing calls and requests for assistance, administering service requests with outside agencies such as print shops, translation services, and mass mail distribution services; and ensuring IEAs were well stocked with election administration materials. At the height of the Department's election responsibilities, two full-time administrative support staff managed these duties and, while elections were cyclical, it is important to note that such duties accounted for forty to fifty percent of staff's time.

- **Election Materials**

The Department created election procedure templates to ensure consistency across the board as well as outreach materials. Tools were developed to assist NCs in planning and implementing an election timeline and all the events leading to the election. Standardized materials such as vote tally sheets and election reports were created to aid NCs, as well as the process for communicating election results. More importantly, staff was available to answer questions and offer assistance throughout the entire election process for board members, candidates and stakeholders.

The institution of IEAs into NC elections provided for greater consistency in rules and regulations, and the conduct of and general approach to elections. After various iterations and much work to improve elections, the Department's use of IEAs proved to yield the best results as a model for conducting NC elections.

The Department developed a structure to support the IEA model, which included:

- Comprehensive training and testing program for IEAs
- Comprehensive resource materials for the IEAs
- Administrative support for the IEAs to ensure standardization of resources (such as Election Kits)
- Definition of scope of work for IEAs and their role as the official election authority
- Administration of the city insurance package pertaining to each IEA

The Department assumed all costs for work of the IEA. This piece was important as concerns were raised about the possible conflict of interest if the IEA was paid by the board members who were running for reelection. With the transition of NC elections to the Office of the City Clerk, NC election standardization became the norm, but the IEA model was replaced by the City Clerk's own internal and external proceedings.

In 2007, the City Council transferred authority for the administration and conduct of NC elections to the Office of the City Clerk, based on recommendations made by the Neighborhood Council Review Commission (NCRC). In the summer of 2008, the City Clerk launched a pilot program on the conduct of NC elections in which the City Clerk was responsible for all election components except outreach, a responsibility that remained with the Department. In addition, the Department worked with NCs to process necessary changes to the governance structure of each individual NC in order to comply with the rules and regulations developed by the City Clerk. The close working relationship between the Department and the City Clerk helped to ensure a successful transition and the conduct of NC elections.

For the 2010 elections, the Department again assisted NCs with bylaw language changes required by the City Clerk via a stipulation document. The Department also assisted with election outreach, although in a reduced capacity given the severe cuts in personnel. This has become a point of concern for the Department and the NCs which are experiencing declining participation of candidates, leaving many NC boards with insufficient members to conduct business.

Recommendations

1. Implement the use of IEAs. The majority of the IEAs were former or current NC leaders themselves with deep ties to the community at a grassroots level. This positioned them well to work with their peers in the NC system. Before recruiting and training new IEAs, the compensation package needs to be determined in advance and will likely aid in recruitment. The duties of the IEA would also have to be reviewed and analyzed in relation to their actual experience in running NC elections.¹
2. Reestablish outreach as a responsibility of all NCs. It is important that NCs share in the responsibility to engage their stakeholders as this can only result in a more engaging, transparent and successful election.
3. In agreement with the Office of the City Clerk, NC election responsibility should not be shared by the City Clerk and the Department as it may prove more costly, chaotic and inconsistent. The Department feels that one City entity should have general administration of the program and its components and work closely with NCs to achieve a good balance.
4. Based on the combined experiences of the Human Relations Commission (former Final Decision Makers), the City Clerk, and Department staff, it is recommended that greater attention be paid to the preparation, standardization, and transparency of the challenge

¹ See Attachment 1 – Job Description for NC IEA

review panels. If thoughtfully composed and well trained, they will serve as key players in establishing legitimacy for the NC electoral system.

5. The Department recommends convening a focus work group comprised of NC leaders, City Clerk, Mayor's Office, and the Department of Neighborhood Empowerment to develop a plan which supports the broadest possible grassroots participation in the conduct of NC elections within the City's budget constraints.
6. Consider requesting that NCs contribute to a pool of funds to compensate IEAs so that there is no direct NC involvement with individual IEAs in order to avoid the perception of any conflict of interest.

Conclusion

The standardization of NC elections implemented by the City Clerk has proved effective. However, NCs have seen a decline in stakeholder participation and have expressed the desire for greater collaboration to improve election outreach, planning and implementation.

If the Department of Neighborhood Empowerment is considered an additional option to administer elections as it did in the past, the Department would be happy to provide an additional report and supporting documentation regarding the cost to run NC elections.

Sincerely,



BONGHWAN (BH) KIM
General Manager

BHK:LC:RM

Attachment

**JOB DESCRIPTION FOR
Neighborhood Council Independent Election Administrator**

The Independent Election Administrator shall be responsible for the following duties:

- i. Reviewing and providing input on the Neighborhood Council's draft Election Procedures.
- ii. Processing of candidates including verification of eligibility and conducting or supervising the candidate forum(s).
- iii. Processing of voters including pre-registration and verification of eligibility as applicable.
- iv. Overseeing and approving the preparation of the ballot to be used in the election.
- v. Distributing and receiving ballots from the voters.
- vi. Verifying any provisional ballots.
- vii. Counting and recounting the ballots.
- viii. Issuing the election results.
- ix. Securing and submitting all election materials for records retention in accordance with the [Neighborhood Council] bylaws and Election Procedures.
- x. If the Independent Election Administrator determines that circumstances have arisen that seriously jeopardize his or her ability to conduct an election in conformance with the approved Neighborhood Council Election Procedures, the Independent Election Administrator has the authority to postpone the election until corrective action can be taken. In such a case, the following actions shall be taken:
 - a. The Independent Election Administrator shall immediately notify the Neighborhood Council and DONE of his or her decision to postpone the election, and shall provide the basis for that decision including the actions that must be taken in order to reschedule and conduct the election.
 - b. The Neighborhood Council, DONE and the Independent Election Administrator will jointly develop and take actions to inform the stakeholders of the postponement of the election.
 - c. As soon as possible, DONE will schedule a meeting before the BONC at which time the Independent Election Administrator shall report on the postponement, the basis for the postponement decision, and the establishment of a new election date.
- xi. An Independent Election Administrator may carry out other duties not listed here, as determined in Neighborhood Council election procedures approved by the Department of Neighborhood Empowerment.
- xii. No person may serve as Independent Election Administrator for a Neighborhood Council under whose bylaws s/he would otherwise qualify as a stakeholder.
- xiii. A person serving as an Independent Election Administrator must verify and disclose any stakeholder status that would disqualify him/her from administering a Neighborhood Council's election.
- xiv. An Independent Election Administrator shall carry out his/her duties in compliance with the Citywide Election Procedures, the Plan for a Citywide System of Neighborhood Council, and any other policy, procedure, or authority to which Neighborhood Council elections are subject.

Neighborhood Council bylaws are those which have been certified and/or amended under authority of the Department of Neighborhood Empowerment and/or its Board of Neighborhood Commissioners.