



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 13 - 0 2 6 8
SEP 0 9 2013

REPORT RE:

**(ALTERNATIVE) DRAFT ORDINANCE AMENDING THE LOS ANGELES
ADMINISTRATIVE CODE REGARDING NEIGHBORHOOD COUNCIL ELECTIONS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 11-1912-S1

Honorable Members:

Previously, City Council requested that this Office prepare and transmit an ordinance that would amend the Los Angeles Administrative Code (LAAC) to allow the City Clerk and Department of Neighborhood Empowerment (Department) to jointly administer Neighborhood Council elections during the 2014 calendar year. Our Office prepared and filed the requested ordinance.

However, during the August 20, 2013, meeting of the Education and Neighborhood Committee, this Office also was asked to present an alternative ordinance to City Council that would address elections beyond the 2014 calendar year and make a permanent change so that the Department and City clerk will jointly administer all future Neighborhood Council elections. The enclosed proposed ordinance specifies that the Department and City Clerk will jointly administer all future Neighborhood Council elections.

Simultaneously, Council should amend the Plan for a Citywide System of Neighborhood Councils (Plan) to correctly reflect the process for administration of Neighborhood Council elections. Included within this report is a proposed Resolution for Council that would amend the Plan to reflect the changes to the administration of Neighborhood Council elections.

Background and Summary of Ordinance Provisions

Currently, LAAC Sections 20.36 and 22.816 provide that the City Clerk shall conduct Neighborhood Council elections during the months of April, May and June of each even-numbered year. This alternative draft ordinance will allow the Department and the City Clerk to administer jointly all future Neighborhood Council elections. The Department and the City Clerk each will adopt comprehensive regulations addressing the election procedures that they will administer and oversee. LAAC Section 22.801.2 governed the Department's administration of elections in 2012 and is being deleted, as it is obsolete.

In addition, we recommend that the City Council approve the enclosed Resolution which will amend the Plan to reflect the changes made to the election system. The changes to the Plan reflect that elections will be administered pursuant to LAAC Section 20.36.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the City Clerk and the Department requesting that they address any comments that they may have directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Darren R. Martinez at (213) 978-8197. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:DRM:mg
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 20.36 and 22.816 and deleting Section 22.801.2 of the Los Angeles Administrative Code regarding Neighborhood Council elections:

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

Section 1. Section 20.36 of Article 1 of Chapter 3 of the Los Angeles Administrative Code is amended in its entirety to read as follows:

Sec. 20.36. Neighborhood Council Elections.

(a) The Department of Neighborhood Empowerment (Department) and the City Clerk are authorized to conduct Neighborhood Council board member elections during the months of March, April, May and June of each even-numbered year pursuant to a schedule to be developed in consultation with the Neighborhood Councils and pursuant to this section. The Department is authorized to enter into a Memorandum of Understanding with the City Clerk specifying the respective roles and responsibilities for the administration of the Neighborhood Council elections.

(b) The Department and City Clerk shall each be authorized to promulgate any election procedure, rule, regulation, or issue any directive or moratorium necessary for that portion of the elections they administer, including the promulgation of any procedures, rules, regulations, directives, or moratoria for the resolution of any election challenge.

(c) A Neighborhood Council's bylaws may be amended by the Department to ensure that the bylaws comply with this section, the Los Angeles Administrative Code, or the Plan for a Citywide System of Neighborhood Councils. Any election procedures, rules or regulations promulgated by the Department or the City Clerk are hereby incorporated into all Neighborhood Council bylaws by reference and are to be affixed to the Neighborhood Council's bylaws. The election rules and regulations shall take precedence over any inconsistent language in the Neighborhood Council's bylaws.

(d) The Department and the City Clerk are authorized to charge a manual recount fee in the amount of \$798.80 per Neighborhood Council, and \$2.28 for each additional ballot required to be recounted beyond the estimated average number of ballots cast in a Neighborhood Council election, to any stakeholder, as defined in Los Angeles Administrative Code section 22.811(a)(2), who voted in a Neighborhood Council election and who has requested a recount.

Sec. 2. Section 22.801.2 of Article 1 of Chapter 28 of the Los Angeles Administrative Code is deleted in its entirety.

Sec. 3. Section 22.816 of Article 3 of Chapter 28 is amended in its entirety to read as follows:

Sec. 22.816. Neighborhood Council Elections.

Neighborhood Council board member elections shall be administered pursuant to Section 20.36 of this Code.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records. I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
DARREN R. MARTINEZ
Deputy City Attorney

Date 9/14/2013

File No. 11-1912-S1

RESOLUTION

WHEREAS, on March 19, 2013, City Council requested that the Office of the City Attorney prepare and present a draft ordinance granting authority to the City Clerk and the Department of Neighborhood Empowerment to administer jointly Neighborhood Council board members elections in 2014; and

WHEREAS, Article V in the Plan for a Citywide System of Neighborhood Councils should also be amended to reflect these changes to Neighborhood Council Elections.

NOW, THEREFORE, BE IT RESOLVED that the Plan for a Citywide System of Neighborhood Councils is hereby amended as follows:

1. Article V of the Plan is amended in its entirety to read:

Neighborhood Council Elections

1. Compliance

Neighborhood Councils that choose to elect their Governing Body will have their elections administered pursuant to Los Angeles Administrative Code Section 20.36.

2. Governing Body Operations

Neighborhood Councils shall be empowered to allocate the Governing Body seats, determine voting rights, including the allocation of different voting roles to different categories of Community Stakeholders, and establish other voting procedures, consistent with the Charter, this Plan and the Regulations that implement this Plan, and any procedures issued by the City Clerk or DONE. Any Governing Body structures and voting systems adopted should not limit broad participation by Community Stakeholders of a Neighborhood Council.

3. Violations

A violation of the election procedures shall constitute a violation of this Plan and may subject a Neighborhood Council to the decertification procedures set forth in Article VI of this Plan, either upon submission of a complaint as outlined in Article VI, Section 4 of this Plan, or by DONE filing a report with the Commission asking it to consider decertification, after having first taken steps in an effort to achieve compliance with the election procedures.