

COMMUNICATION

File No. 11-1912

TO: THE COUNCIL OF THE CITY OF LOS ANGELES

FROM: COUNCILMEMBER PAUL KREKORIAN, CHAIR
ARTS, PARKS, AND NEIGHBORHOODS COMMITTEE

COMMUNICATION FROM CHAIR, ARTS, PARKS, AND NEIGHBORHOODS COMMITTEE and ORDINANCE relative to transferring authority for conducting Neighborhood Council elections from the Office of the City Clerk (City Clerk) to the Department of Neighborhood Empowerment (DONE) on a temporary basis for the 2012 Neighborhood Council Election Cycle.

Recommendation for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

REQUEST the City Attorney to PREPARE and PRESENT an ORDINANCE to transfer authority for conducting Neighborhood Council elections from the City Clerk to DONE on a temporary basis for the 2012 Neighborhood Council election cycle.

Fiscal Impact Statement: Neither the Chief Legislative Analyst or the City Administrative Officer has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

On November 30, 2011 the Chair of the Arts, Parks, and Neighborhoods (APN) Committee considered a November 9, 2011 City Attorney report, November 29, 2011 City Clerk report, and Ordinance relative to amending LAAC Sections 20.36 and 22.816 in connection with Neighborhood Council elections. According to the City Attorney, 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. The Ordinance would postpone elections and grant the City Clerk the authority to extend board member terms for two years.

Also, the LAAC currently grants the City Clerk sole authority and responsibility for conducting Neighborhood Council elections. However, we note that this proposed ordinance does not impact the ability of Neighborhood Councils to "select" their board members during the 2011-2012 Fiscal Year. Under the City Charter, Neighborhood Councils may either elect or select their board members. (City Charter, Art. IX, Section 901 (d).) Thus, there is a distinction between "election" and "selection" systems. Typically, the difference between an election and selection is that, in an election, ballots are cast anonymously. This proposed ordinance does not impact the ability of Neighborhood Councils to conduct a selection process for choosing their board members. Examples of selection procedures include: a Townhall forum where members are selected by a show of hands; a caucus process where representatives determine by open voting which board members should be chosen; or a process as simple as drawing names from a hat. Accordingly, while the Ordinance precludes the City Clerk from conducting Neighborhood Council elections during the 2011-2012 Fiscal Year, Neighborhood Councils are not precluded from selecting their board members during this time frame under the proposed ordinance.

The City Clerk then stated that it was mandated to conduct Neighborhood Council (NC) board elections every even-numbered year under the provision of LAAC Section 20.36. The City Clerk budgeted and requested funds in the Fiscal Year (FY) 2011-12 Budget to conduct 98 NC board elections in 2012. Due to the City's fiscal crisis, the FY 2011-12 Budget did not provide funds for the NC Elections to be conducted in 2012. Additionally, pursuant to the FY 2011-12 Adopted Budget approved by the Council on May 25, 2011 and concurred in by the Mayor on June 2, 2011, the City Attorney was requested to draft an ordinance to postpone NC Elections for two years. These instructions are reflected in the proposed ordinance under consideration.

The City Clerk then proceeded to review various aspects of the proposed ordinance. Specifically, in regard to NC Elections in 2012, if the Council decides that NC Elections (not Board Member selection which does not require an ordinance) should proceed in 2012, a new ordinance or an amendment to this ordinance would be required, including removal of the Clerk as the NC election administrator and designation of a different election administrator, as the City Clerk will not be able to take on this responsibility so late in this fiscal year. The Election Division is currently conducting the special runoff election for Council District 15 in January 2012, with just a few months available thereafter for closing up that election before beginning critical preparations in Summer 2012 for the 2013 City Municipal Elections.

Additionally, in regard to NC Elections in 2014 and thereafter, the City Clerk stated that in the proposed ordinance, the NC elections that were to have been conducted by the City Clerk in calendar year 2012 will be postponed until calendar year 2014, but thereafter the ordinance retains authority for the conduct of NC elections in even-numbered years to the City Clerk. If the Council decides to appoint a different election administrator for NC Elections in 2014 and thereafter, a new ordinance or an amendment to this ordinance would be required.

Next, in regard to City Clerk Authority to Extend NC Board Terms, the City Clerk stated that in addition to postponing the 2012 NC Elections until 2014, the ordinance authorizes the City Clerk to direct that the terms of any NC board members that are scheduled to expire during the 2012 calendar year, shall be extended an additional two years or until such time as the next City Clerk conducted election...shall be scheduled. Clarification is required inasmuch as it is unclear whether this means the Clerk's authority to extend board terms in this manner is discretionary or obligatory.

Finally, in regard to the NC Election Alternatives Study Update, per the Council's instruction to the City Clerk to review and make recommendations on alternatives to conducting NC Elections (Council File No. 11-0600-S23), the City Clerk is currently fully engaged in an "NC Election Alternatives Study" as to how elections should be administered in all future NC elections and by which entity. On October 28, 2011, the City Clerk distributed an NC Election Alternatives Survey to all NCs (Attachment No. 2 in the November 29, 2011 City Clerk report and attached to the Council file). After further consideration and having provided an opportunity for public comment, the Committee Chair moved to continue this matter.

Subsequently, on December 14, 2011, the Chair of the APN Committee further considered this matter. In particular, the City Clerk proposed temporarily transferring control to the Department of Neighborhood Empowerment (DONE) for the 2012 Neighborhood Council Election Cycle. Additionally, the City Clerk noted that there is no funding in the City Clerk's budget for conducting the elections and that DONE would be in a better position to do so. The City Clerk and DONE next answered further questions in regard to the neighborhood council elections process.

After further consideration and having provided an opportunity for public comment, the Committee Chair moved to recommend requesting that the proposed ordinance be

modified so as to allow transfer authority from the City Clerk to DONE on a temporary basis for conducting all neighborhood council elections during the 2012 Neighborhood Council Election Cycle. This matter is now forwarded to Council for its consideration.

Respectfully submitted,

COUNCILMEMBER PAUL KREKORIAN, CHAIR
ARTS, PARKS, AND NEIGHBORHOODS COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
KREKORIAN:	YES
WESSON:	ABSENT
REYES:	ABSENT

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