

**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

Your **EDUCATION AND NEIGHBORHOODS** Committee

reports as follows:

EDUCATION AND NEIGHBORHOODS COMMITTEE REPORT and ORDINANCE relative to amending the Los Angeles Administrative Code (LAAC) to transfer authority from the City Clerk to the Department of Neighborhood Empowerment (DONE) on a temporary basis to conduct all Neighborhood Council elections during the 2012 Neighborhood Council Election Cycle.

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

1. PRESENT and ADOPT the accompanying ORDINANCE amending sections 20.36 and 22.816 and adding Section 22.801.2 to the Los Angeles Administrative Code regarding Neighborhood Council Elections.
2. REQUEST the City Attorney to amend Section 22.801.2 of the accompanying Ordinance to remove language granting authority to DONE to allow Neighborhood Councils to opt-out of an election and extend current board members' terms to the 2014 calendar year.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes.

General Comments: Sunland-Tujunga Neighborhood Council

SUMMARY

At its regular meeting held April 17, 2012, the Education and Neighborhoods Committee considered a City Attorney report and Ordinance relative to amending the LAAC to transfer authority from the City Clerk to DONE on a temporary basis to conduct all Neighborhood Council elections during the 2012 Neighborhood Council Election Cycle.

A representative of the City Attorney appeared before the Committee to provide a brief overview of the proposed Ordinance and respond to related questions. During discussion of the matter, issues were raised regarding the section of the Ordinance granting DONE the authority to allow Neighborhood Councils to opt-out of the 2012 elections if they so desire and for those Neighborhood Councils to extend the terms of the current board members to the 2014 calendar year. During the public comment period, concern was expressed by a member of the Board of Neighborhood Commissioners as well as by several members of the public and Neighborhood Councils regarding the opt-out language. Additionally, the Committee Chair also expressed concern about the opt-out provision of the Ordinance based on previous public testimony received by the Education and Neighborhoods Committee relative to Neighborhood Council elections during a series of regional meetings of the Committee held earlier this year.

The main concerns communicated by the public and the Neighborhood Councils regarding the opt-out provision is that many Neighborhood Councils already have a significant number of board members that were appointed to Neighborhood Councils by their boards to fill vacancies since the 2010 elections. They maintain that allowing Neighborhood Councils to opt-out of the 2012 election and extend current board members' terms to 2014 could result in some Neighborhood Council boards consisting entirely of appointed board members, thus denying stakeholders of those Neighborhood Councils the ability to democratically elect representatives to the boards.

In response to these concerns, the representative of the City Attorney indicated that the language in the Ordinance allowing DONE the authority to grant an Neighborhood Council opt-out request from the 2012 elections was provided for flexibility and that the Council can instruct DONE to use its authority only in the most dire circumstances. The City Attorney's representative further stated that holding elections in 2012 without the opt-out language in the Ordinance could potentially cause difficulties for some of the newer Neighborhood Councils, particularly for those that were certified as recently as six months ago. Additionally, during public comment, a representative of the Councilmember for the Fifth Council District expressed that Councilmember's support for the opt-out provision in the Ordinance.

After further discussion, and after providing an opportunity for public comment, the Committee recommended that the Council adopt the Ordinance and requested that the City Attorney also amend the Ordinance to remove language granting DONE the authority to allow Neighborhood Council's to opt-out of the 2012 elections. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

EDUCATION AND NEIGHBORHOODS COMMITTEE

<u>MEMBERS</u>	<u>VOTE</u>
PARKS:	YES
PERRY:	ABSENT
ZINE:	YES

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