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CITY ATTORNEY

REPORT NO. R 15 - 0 0 0 4
JAN 0 9 2015

REPORT RE:

**A DRAFT ORDINANCE ADDING SECTION 22.818 TO THE LOS ANGELES
ADMINISTRATIVE CODE ESTABLISHING REGIONAL NEIGHBORHOOD COUNCIL
GRIEVANCE PANELS AND GRANTING THE BOARD OF NEIGHBORHOOD
COMMISSIONERS THE AUTHORITY TO VACATE BOARD SEATS**

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

Council File Nos. 11-1018 and 13-1689

Honorable Members:

As previously requested by the City Council, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance would add Section 22.818 to the Los Angeles Administrative Code (LAAC) to create a system of Regional Grievance panels to consider Neighborhood Council grievances. The new grievance process will consolidate the current Neighborhood Council grievance and complaint process system into one system. The grievance process allows Neighborhood Councils the opportunity to address a grievance before the grievance is sent to a Regional Grievance Panel.

The draft ordinance also amends Subdivision (1) and (2) of Subsection (e) of Section 22.810.1 of the LAAC to provide the Board of Neighborhood Commissioners (Commission) with the option to declare one or more seats on the board vacant rather than decertify an entire Neighborhood Council. A proposed Resolution is attached to this report for adoption concurrently with this ordinance to ensure that the proposed

changes are reflected in the Plan for a Citywide System of Neighborhood Councils (Plan).

Background and Summary of Ordinance Provisions

Currently, the LAAC and the Plan create a system where grievances are filed with the Neighborhood Council and complaints are filed with the Department of Neighborhood Empowerment (DONE). This draft ordinance creates seven Regional Grievance Panels corresponding to the City's Planning areas. City Council requested that our Office prepare an ordinance that would merge the grievance and complaint process into one system. City Council requested that the grievance process should be consistent with DONE's November 22, 2011, report contained in Council File No. 11-1018.

The enclosed draft ordinance and Resolution will change the LAAC and the Plan to consolidate the grievance and complaint system. Under the proposed draft ordinance and resolution, Neighborhood Councils are provided the first opportunity to resolve a grievance. A grievance must be based upon an allegation of wrongdoing by the board, as a body, with respect to its bylaws, standing rules or local City rules. A grievance may not be filed against individual board members. A Neighborhood Council is allowed 60 days to hear a grievance. The Neighborhood Council determination may be appealed to the Regional Grievance Panel. The Regional Grievance Panel has 21 days to reach a decision on the grievance and make a recommendation to the Department on a proposed remedy. The proposed draft ordinance also creates a system that allows the Commission to vacate a board seat rather than declare an entire Neighborhood Council decertified.

The Board of Neighborhood Commissioners (Commission) requested the ordinance to provide that, in the event of malfeasance by the Regional Grievance Panel, a grievance could be appealed to the Commission. However, this proposed draft ordinance does not provide for an appeal to the Commission because the Commission would be conflicted if called upon to make a recommendation on decertification and also make a subsequent determination on decertification. Instead, the proposed draft allows DONE to form another Regional Grievance Panel to hear the appeal based upon malfeasance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to DONE and the City Administrative Officer with a request that all comments, if any, be presented 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:ac
Transmittal