Date: Committee Submitted in 1022-5 Council File No: Item No

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March 17, 2017

VIA E-MAIL AND U.S. MAIL

Leonard Shaffer, President Joy Atkinson, Vice President Eli Lipmen, Commissioner Josh LaFarga, Commissioner Debbie Wehbe, Commissioner Maggie Darett-Quiroz, Commissioner Eve Sinclair, Commissioner City of Los Angeles Department of Neighborhood Empowerment 200 North Spring Street, Suite 2005 Los Angeles, California 90012

RE: Downtown Neighborhood Council Separation

Dear President Shaffer and Honorable Commissioners:

This firm represents United Downtown LA ("United Downtown"), a group founded on the principle that a united Downtown Los Angeles is fundamental to making each neighborhood stronger and improving the quality of life for all of us. United Downtown is focused on preventing the resurgence of a decades-long failed policy of community isolation in Downtown Los Angeles and ensuring high standards of integrity for the City's democratic election process. This unity is ever more important in the wake of the passage of Measures HHH and H which should provide a once-in-a-lifetime funding opportunity for generational change to benefit the residents of a united Downtown Los Angeles. In this regard, on behalf of United Downtown, we wish to bring to the attention of the Board of Neighborhood Commissioners ("Commission"), in its role as the policy-setting and oversight commission for the City's "Neighborhood Councils" and the Department of Neighborhood Empowerment ("DONE"), the submitted material deficiencies relating to the hastily produced subdivision petition and election process to form what would be a new, separate sub-division Neighborhood Council called the Skid Row Neighborhood Council ("SRNC"). These procedural defects, outlined in detail in this letter, left uncured, would result in a violation of Los Angeles Municipal Code ("LAMC") Section 22.819 and a misinformed, exclusionary and unrepresentative election for the proposed SRNC.

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On this basis we strongly urge the Commission to delay any election approving the SRNC subdivision under the LAMC Section 22.819(b) until a proper and fair election process can be ensured. As the first ever exercise of the right to petition for a Neighborhood Council "subdivision" in the City of Los Angeles ("City"), it is critical that the Skid Row Neighborhood Council Formation Committee's ("SRNC Formation Committee") follow, and that the Commission enforce, those regulations and policies applicable to neighborhood council subdivision.

1. DONE LACKED AUTHORITY TO APPROVE THE SRNC SUBDIVISION PETITION AS THE PETITION FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PLAN FOR A CITYWIDE SYSTEM OF NEIGHBORHOOD COUNCILS

Under LAMC Section 22.819(a), DONE only possesses authority to approve a subdivision petition for a separate certified Neighborhood Council within the boundaries of existing certified Neighborhood Councils if "the subdivision petition complies with the components of a Certification Application stated in Article III, Section 2 of the Plan for a Citywide System of Neighborhood Councils..."

The Plan for a Citywide System of Neighborhood Councils ("Plan") provides that "a certification application shall, *at a minimum*, include" (Plan, Article III, Section 2, italics added) the following components, among others:

- A detailed description of proposed boundaries. (Plan, Article III, Section 2 (a).)
- Proof the proposed boundaries would represent a population greater than 20,000 residents within the desired neighborhood boundary, or, if less than 20,000, that additional specific criteria are met. (Plan, Article III, Section 2 (a).)
- Signatures from 200-500 community stakeholders. (Plan, Article III, Section 2 (b).)
- Prepare a complete set of bylaws. (Plan, Article III, Section 2 (c).)

As described in this section, the materials submitted to DONE in connection with the subdivision petition for the SRNC were not complete based on these requirements. Accordingly, DONE was prohibited from approving the incomplete petition pursuant to LAMC 22.819(a).

A. <u>SRNC FORMATION COMMITTEE'S SUBDIVISION PETITION DID NOT IDENTIFY</u> SPECIFIC BOUNDARIES FOR THE PROPOSED SRNC

A clear requirement set forth in the Plan for subdivision petitions is a "detailed description of proposed boundaries." (Plan, Article III, Section 2 (a).) Here, the SRNC Formation Committee submitted an application ("SRNC Application") describing the boundaries of the proposed SRNC as follows (see SRNC Application, Section 2):

- North: 3rd Street
- South: 7th Street
- East: Alameda Street
- West: Main Street

A map depicting these boundaries was also provided (attached hereto as Exhibit A). Neither the description nor the map shows which sides of 3rd, 7th, Alameda and Main Streets are included within the boundaries. Instead a rough line is drawn over the street and the public is left to wonder whether both sides of the streets are included or just one. This runs contrary to the "detailed description" mandated by the Plan and the clear example provided on DONE's application form: "North: Main Street *(south side of the street)* between Maple Avenue and 43rd Street." (Italics added.)

United Downtown is concerned based on the fact that the initial SRNC Application did not describe specific boundaries and that we understand Wikipedia was the primary source being relied upon to determine the boundaries. Not only does this render the entire SRNC Application incomplete, it also leaves incredible uncertainty as to who the stakeholders are for the upcoming voter election. DONE did not have the

authority to approve the SRNC Application without specific boundaries and the SRNC Application process should be delayed to protect the integrity of any election.

B. <u>THE BOUNDARIES WOULD REPRESENT A POPULATION OF LESS THAN 20,000</u> RESIDENTS AND THE SRNC FORMATION COMMITTEE'S SUBDIVISION PETITION DID NOT INCLUDE PROOF OF THAT CRITERIA UNDER ARTICLE III, SECTION 2 (A) OF THE PLAN IS SATISFIED

As part of providing a detailed description of the boundaries, the Plan requires that a subdivision petition demonstrate the proposed boundaries contain "no less than 20,000 Neighborhood Council Community Stakeholders." (Plan, Article III, Section 2 (a).) A proposed area that consists of less than 20,000 Neighborhood Council Community Stakeholders may only be approved if the following criteria are established:

- The proposed area is separated from adjacent communities by significant geographic features; or,
- The proposed area is identified by name within any of the 36 adopted Community Plan Areas of the City Planning Department; or,
- The proposed area represents a historic, identifiable neighborhood or community that is serviced by City service providers, such as a public library, park, recreation center, fire or police station, or a public school.

The SRNC Application states that the SRNC area contains at least 20,000 stakeholders (see SRNC Application, Boundaries.7.), while at the same time failing to provide an estimate of the total as required, instead simply writing "unknown." (See SRNC Application, Boundaries.9.) This does not comply with the Plan. At the very least, government approved census tracts should be referenced in demonstrating compliance with the minimum population size requirement.

C. WHETHER OR NOT THE SRNC FORMATION COMMITTEE PROVIDED A SUFFICIENT NUMBER OF COMMUNITY STAKEHOLDER SIGNATURES IS IN QUESTION DUE TO THE LACK OF A TRANSPARENT VERIFICATION METHOD AND A NUMBER OF POSSIBLE DUPLICATE SIGNATURES

As part of the outreach process, the Plan requires the collection of "no less than 200 and no more than 500 signatures from stakeholders that have an interest within the proposed Neighborhood Council boundaries." (Plan, Article III, Section 2 (b).) Such signatures must "reflect the **broadest array** of Community Stakeholders who will actively participate in the proposed Neighborhood Council." (*Id.*)

United Downtown understands that a total of 500 signatures were submitted on a rolling basis in connection with the subdivision petition for the SRNC. The SRNC, however, provides no specific procedure for verifying that these are indeed stakeholders in the proposed SRNC boundaries, an area where many people lack addresses, phone numbers and email addresses. Rather, the SRNC Formation Committee claims to have used a "self-affirmation' outreach process to determine each of [its] community's stakeholders" and "use 'advance knowledge' in knowing [its] neighbors." Of the submitted signatures, an overwhelming majority merely state "6th & San Pedro" as the address with no email, phone number, or any kind of description identifying the basis of their stakeholder eligibility. Consequently, since there exists a substantial number of business and property owners in the proposed SRNC boundaries, we find it difficult to confirm that the signatures "reflect the broadest array of Community Stakeholders who will actively participate in the proposed Neighborhood Council" required under the Plan. We find this verification process less than adequate.

Our research also highlights an additional fact that calls into question the legitimacy of the signatures collected by the SRNC Formation Committee. Our research identifies at least 16 duplicate signatures which should be removed from the count total. (See Exhibit B). In light of the Plan requirements for providing valid signatures, and the existence of multiple duplicate signatures, the Commission should require a demonstration that the provided signatures meet the requirements of validity.

D. SRNC FORMATION COMMITTEE'S SUBDIVISION PETITION DID NOT INCLUDE A VALID SET OF BYLAWS

As part of the subdivision petition, the SRNC Formation Committee provided draft bylaws dated 11-2-16. However, the SRNC Formation Committee informed legitimate stakeholders that these bylaws are just a placeholder and will be substantially changed. As bylaws are a key component of Neighborhood Councils, the SRNC Formation Committee should be required to submit a draft which is indicative of the ultimate set of bylaws to be adopted. As the draft stands now, we have almost no certainty as to how this subdivided Neighborhood Council will be governed. The governance issues remain critical to an informed electorate of stakeholders eligible to vote in this election.

II. THE ELECTION AS PROPOSED IS NOT IN COMPLIANCE WITH WELL-ESTABLISHED ELECTION PROCEDURAL REQUIREMENTS IN THE CITY FOR NEIGHBORHOOD COUNCIL ELECTIONS

The proposed election process for the SRNC election was discussed in detail at the City meetings on February 15 and March 9, 2017, as shown on the meeting Agendas attached hereto as Exhibit C. At the meeting the DONE officials present at the meeting stated that the election would be held on April 6, 2017, following a series of three informative community meetings concerning the election and the proposed SRNC (the third and final meeting is set for March 29, 2017). For the reasons set forth below, we are concerned the election process as proposed would violate the election procedures under the Plan and LAMC.

A. IDENTIFYING ELIGIBLE VOTERS BASED ON THE LACK OF SPECIFIED BOUNDARIES IS IMPOSSIBLE

To form a "subdivision" an election must be held in which a "majority of the voters from the entire Neighborhood Council or Neighborhood Councils being subdivided must approve the subdivision in order to create the new Neighborhood Council." (LAMC Section 22.819(b).) To qualify as an eligible voter, an

individual must be "a stakeholder in the proposed area for subdivision or in any of the Neighborhood Councils that are proposed for subdivision." (Id., italics added.)

As discussed above, since we do not know the true boundaries of the proposed SRNC, it is impossible to determine the eligible voter pool. Because the stakeholders within the entire area of any Neighborhood Council whose boundaries are affected by the SRNC would be entitled to vote, a slight deviation in the boundaries of the SRNC could trigger multiple other Neighborhood Council areas which would be entitled to a vote. To proceed with an election without knowing who qualifies as an eligible voter would be a violation of the LAMC and Plan.

B. THE ELECTION AS PROPOSED WOULD NOT BE EQUITABLE AND WOULD RESULT IN AN EXCLUSIONARY EFFECT ON MANY ELIGIBLE VOTERS

As set forth in DONE's Report to City Council, dated February 28, 2017 ("DONE Report," attached hereto as Exhibit D), relative to improving the Neighborhood Council elections voting environment, there are a multitude of serious deficiencies in the current election scheme. To remedy the situation, for the 2017/2018 fiscal year Neighborhood Council Elections, the City Clerk will be administering the elections, including the training of polling location staff and the processing of election challenges, while DONE focuses on outreach to candidates and voters. The DONE Report makes clear our concerns in this instance over an election which is proposed to be administered by DONE, with inadequate resources. This is especially troubling for the first-ever Neighborhood Council subdivision petition in the City's history. In line with the DONE Report, we believe it is necessary to postpone the election on the SRNC formation until after the implementation of the improvements outlined in the DONE Report to ensure a fair and equitable election.

Per the City's March 9th SRNC Formation Committee/Town Hall meeting, the location for the election has been determined by the SRNC Formation Committee to be: James Wood Community Center, 400 East 5th Street, Los Angeles, CA, 90013. The hours for the election have been strictly limited to 3pm – 7pm on Thursday, April 6th. Unlike other Neighborhood Council elections, no Vote by Mail or online voting is permitted.

For many reasons, the current arrangement will not properly serve the anticipated number of voters (coming from multiple different Neighborhood Councils and stakeholder groups) and would have a material exclusionary effect on eligible voters. This is further compounded by the fact that the selected location, which was unilaterally determined by the SRNC Formation Committee, is not an easily accessible polling site and will likely result in many voters opting not to vote in person at the location. Based on a large number of anticipated voters, we believe it is critical that multiple facilities be provided on election day and that they remain open for longer than four hours. Such facilities might include the Los Angeles Public Library at 630 W. 5th St., Los Angeles, CA 90071 which has been used in past Neighborhood Council elections due to its central location and ease of accessibility. Additionally, as expressed at the March 9th meeting, the selected time of 3pm – 7pm, which excludes the lunch hour and morning hours, will make it extremely difficult for employee stakeholders who work during standard hours to vote. The hours should be adjusted to include the morning and lunch hours so that employee stakeholders in the area have the opportunity to participate in the election.

For this election, in addition to the improvements to be implemented under the DONE Report, we ask that the Commission request resources from the City to offer on-line voting as well as Vote by Mail. According to the City Clerk, online voting and Vote by Mail have proven to be great voting mechanisms to increase participation in these important elections. Such additional resources are necessary to ensure a fair and proper election. The Commission should also institute specific procedures to certify that voters provide proof of eligibility, that proof of stakeholder status for community interest stakeholders is consistent and substantially equivalent to the evidentiary proof required of stakeholders who live, work, or own property in the area.

United Downtown's concerns over this particular election have been echoed by others in the community (See Handal, *Skid Row Voting: It's Time for President Wesson to Keep His Word and Fix the NC System*, CityWatch (Mar. 6, 2017). For the aforementioned reasons, holding the election on April 6 is rushed, premature and will necessarily call into question the legitimacy of any election result. The prudent course is to postpone this election until the City Clerk can ensure this election of first-impression in the City is conducted in an equitable and just manner and that the SRNC, should it be formed, is not later subject to challenge.

C. THE CITY HAS NOT BEEN A NEUTRAL ACTOR IN THIS ELECTION PROCESS

The Neighborhood Council Election Manual (revised April 29, 2016) states the following in connection with campaigning for elections: "The use of the City of Los Angeles Seal, the Department, City Clerk or Neighborhood Council logo or any other official Neighborhood Council designation created by the Department is prohibited for use on candidate materials." (Neighborhood Council Election Manual, Election Procedures, Section IX.A.) The express purpose of this prohibition is to prevent campaigning under the "expressed or implied endorsement or authorization of the City, a City department, or a Neighborhood Council and prevent voter confusion." (Neighborhood Council Election Manual, Election Procedures, Section IX.A.3.) Nonetheless, a member of the Mayor's Office of Economic Opportunity has issued a strong statement of support for the SRNC using City resources and declaring "[w]e support the efforts of this endeavor (SRNC)." (See quoted message from Alisa Orduna, the Mayor's Homeless Policy Director attached hereto as Exhibit E.) The SRNC Formation Committee proudly uses this City statement as an endorsement of this process. Such biased support from the City violates the requirement that the City maintain an impartial and neutral position in Neighborhood Council elections. The City's interference thus far in this election will result in voter confusion and a skewed election.

Based on the foregoing, we are hopeful that upon reconsideration you will determine the subdivision petition filed in connection with the proposed SRNC does not comply with the clear requirements of the Plan and LAMC. As such the subdivision petition should be reconsidered, denied and the election delayed until these issues are resolved. We want to ensure the integrity of the voting process and prevent questions of legitimacy, should this hastily developed election process go forward as currently proposed.

Should you have any questions or require additional information, please do not hesitate to call the undersigned.

Respectfully, LINER LLP 1th 1h Rockard Delgadi

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Attachments

cc: The Honorable Eric Garcetti, Mayor, City of Los Angeles The Honorable Mike Feuer, City Attorney The Honorable Herb Wesson, Jr., President, LA City Council and Councilmember, 10th District The Honorable Jose Huizar, Councilmember, 14th District Darren Martinez, Supervising Attorney, Neighborhood Council Grayce Liu, General Manager, DONE

EXHIBIT A



DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT CITY OF LOS ANGELES

ERIC GARCETTI MAYOR

EXHIBIT B

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Petition to Form a Skid Row Neighborhood Counci

Petition summary and background	The City of Los Angeles' Department of Neighborhood Empowerment (DONE) requires the signatures of at least 200, but no more than 500 Stakeholders in the neighborhood of Skid Row, Downtown Los Angeles to turn in a Subdivision Application.
Action petitioned for	We, the undersigned, are concerned citizens of the City of Los Angeles and Skid Row Stakeholders who support the effort to form a Skid Row Neighborhood Council (SRNC) which would be subdivided from the Downtown Los Angeles Neighborhood Council (DLANC).

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Petition to Form a Skid Row Neighborhood Council

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EXHIBIT C

Skid Row Neighborhood Council Formation Community Meeting/Town Hall Agenda

Downtown Industrial District BID

725 Crocker St.

Los Angeles, CA 90021

March 9, 2017

12 pm – 1pm

1) Welcome

2) Introductions

3) Elections Process

4) Election – Thursday, April 6

5) Upcoming Community Meetings

a) March 29 at 6 pm

Skid Row Neighborhood Council Community Meeting/Town Hall Agenda

James Wood Community Center

400 East 5th Street

Los Angeles

February 15, 2017

6 pm

1) Welcome

2) Introductions

3) Stipulation Sheet

4) Elections Process

5) Election – Thursday, April 6

6) Upcoming Community Meetings

a) March 9 at 6 pm

b) March 29 at 6 pm

EXHIBIT D

BOARD OF NEIGHBORHOOD COMMISSIONERS

Leonard Shaffer

Joy Atkinson

Maggie Darett-Quiroz Josh LaFarga Eli Lipmen Eve Sinclair Debra Wehbe CITY OF LOS ANGELES CALIFORNIA



Eric Garcetti MAYOR DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

> 20th FLOOR, CITY HALL 200 NORTH SPRING STREET LOS ANGELES, CA 90012

TELEPHONE: (213) 978-1651 TOLL-FREE: 3-1-1 FAX: (213) 978-1751 E-MAIL: done@lacity.org

GRAYCE LIU GENERAL MANAGER

www.Empowart.A.org

February 28, 2017

Honorable Members of the Los Angeles City Council C/o City Clerk's Office Room 395, City Hall Los Angeles, CA 90012

SUBJECT: REPORT BACK ON COUNCIL FILE 04-1935-S1 REGARDING IMPROVING THE NEIGHBORHOOD COUNCIL ELECTIONS VOTING ENVIRONMENT

Honorable Members:

SUMMARY

For the 2018 Neighborhood Council elections, the Department of Neighborhood Empowerment will be focusing on outreach to candidates and voters. The Office of the City Clerk will be administering the elections, including the training of polling location staff and the processing of election challenges using the Neighborhood Council Grievance Panels.

RECOMMENDATION

That the City Council adopts the following recommendation:

Instruct the Office of the City Attorney to update Ordinance No. 183487, which created Section 22.818 of the Los Angeles Administrative Code establishing Regional Grievance Panels for Neighborhood Councils under Council File 15-0067, to:

- 1. Allow the Office of the City Clerk to administer only the election challenges with the Regional Grievance Panels;
- Expand the process of how grievances and election challenges are heard and provide flexibility to the Regional Grievance Panel Chair(s) to accommodate the testimony of all parties; and

Honorable Members of the

Los Angeles City Council

February 28, 2017

Page 2 of 5

3. Change any other language in the ordinance to ensure efficient review and processing of grievances and election challenges.

BACKGROUND

In the 2016 Neighborhood Council elections, the Department of Neighborhood Empowerment (EmpowerLA) administered the on-site voting locations, using essentially the same poll worker training and election procedures for the 2012 and 2014 elections. The Neighborhood Council election manual and poll worker training was created in partnership with Neighborhood Councils. Prior to the 2012 elections and after each of the election cycles administered by EmpowerLA in 2012, 2014 and 2016, EmpowerLA held election town halls with Neighborhood Council members and election staff to review all election policies and procedures for efficiencies to be implemented in the next election cycle.

Because of the limited budget to conduct Neighborhood Council elections, EmpowerLA relies heavily on volunteer poll workers to support the at-polls elections. While there were four poll worker trainings (two hours) provided during the 2016 elections, the majority of the volunteer poll workers would typically only show up two hours before the election to assist in setting up before receiving a 30 to 45 minute training on their positions that day, e.g. checking documentation, handling ballots, directing voters, etc. Paid election staff handled any issues that were above basic processing of the voters, such as electioneering where the procedure was to tell the candidate to stop, or s/he would be disgualified.

The new election challenge process via the recently established Neighborhood Council Regional Peer Grievance Panel was used for the first time during the 2016 elections. Election challenges were received via the EmpowerLA Election Challenge Portal (empowerla.org/election-challenge-process) where the challenge had to meet the following requirements per Section XVI. Challenges of the Neighborhood Council Election Manual:

- 1. Identify the basis for the challenge to the election.
- 2. Identify the person(s) issuing the challenge and their contact information.
- Identify up to 3 witnesses and provide their statements via a Witness Statement Form.
- Provide all supporting documentation, including any witness statements (none will be accepted after the request is filed).
- 5. The supporting documentation must prove that the alleged challenge is not only valid, but would also have made a difference in the election outcome. Challenges without such supporting documentation will automatically be rejected.

The following is a list of items that were and were not challengeable:

Honorable Members of the Los Angeles City Council February 28, 2017 Page 3 of 5

Challengeable:

- Incorrect Ballots (which caused voters to vote either significantly more or less for a qualified or incorrect candidate)
- Electioneering by Candidate(s)
- Ballot Duplication (by a candidate or stakeholder)
- Explicit Use of City logo(s) for Campaign Materials by Candidate(s) (including LA City, EmpowerLA logo, Neighborhood Council logo, and any other City department logo)
- Neighborhood Council Board Endorsement of a Candidate or Slate of Candidates
- Neighborhood Council Outreach Materials Where Only Existing Board Member Candidates Are Mentioned after Candidates Are Certified
- Americans with Disabilities Act (ADA) Accessible Facility (if curbside voting was not available)
- Illegal Collection of Vote-by-Mail Ballots
- Multiple Voting any voter who casts multiple ballots in one Neighborhood Council election illegally

Any area not listed above is non-challengeable, including, but not limited to:

- Lack of Outreach (outreach performed by a Neighborhood Council, the Department, or any other City entity)
- Published Articles (challenges based on election information published in media such as the Internet [including blogs], newspaper[s], or any other type of media)
- Translated Election Material
- Candidate Forums
- Polling Place or Pop Up Poll Location Selection
- Change of Polling Place or Pop Up Poll Location
- · Email Forwarding of Neighborhood Council "Get Out To Vote Material" or Emails.
- Ballot Design
- Neighborhood Council Endorsed Election Procedures/Policies
- Neighborhood Council Bylaws (Received from the Department by deadline)
- Neighborhood Council Endorsed Polling Place or Pop Up Poll Suggestions
- Stakeholder Qualifications to Vote (Neighborhood Council Bylaws or Election Procedures Stipulation Worksheet)
- Department Approved Outreach Material
- Candidate Slate(s)/Slate Flyers
- Campaign Expenditure(s)
- · Volunteer Poll workers or Poll worker Bias
- Use of Police and/or Security at Polling Place or Pop Up Poll
- Voter Intimidation
- Error in Voting Instructions
- Lack of Necessary Voting Materials
- Voters Threatened by Candidates
- Electioneering by Stakeholder(s) or at Pop Up Polls
- Voter Instructions

Honorable Members of the

Los Angeles City Council February 28, 2017 Page 4 of 5

- Known Factors Prior to Election Day (such as: polling place bias because a candidate works at the location, language translators, etc.)
- Language assistance or lack thereof at Polling Place or Pop Up Poll
- Use of LA City, EmpowerLA logo, or Neighborhood Council logo when it is used on a website as identification purposes for an active link to click through to the City, EmpowerLA or Neighborhood Council website, social media page, etc. for more information
- Endorsements and Sample Ballots created by and/or distributed by stakeholders
 or candidates that ask voters to vote for a specific candidate or candidates

The Election Manual further provides language for remedies that the Neighborhood Council Grievance Panels could consider:

If a challenge is found to be valid, remedies will be narrowly interpreted to affect only the voters, candidates, or seats affected. Redoing the entire Neighborhood Council election is not a remedy unless the challenge affected every seat on the ballot. Remedies can include, but are not limited to, letters of correction/reprimand, disqualification of candidates or voters, Neighborhood Council funding penalties and referral to the City Attorney's Office for criminal prosecution.¹

When an election challenge was received, EmpowerLA non-election staff handled the processing of the election challenge. Three Independent Election Administrators, who did not run the election being challenged, along with the Office of the City Attorney reviewed the election challenges as to its validity per the election challenge requirements. If the requirements were met, then the election challenge was moved on to the Neighborhood Council Grievance Panel for review. The panels were comprised of Neighborhood Council appointed volunteers who were not from the election region of the challenge. Of the 98 challenges filed during the 2016 elections, only 8 met the election challenge requirements. Of the 8 election challenges that were reviewed by the Regional Grievance Panel, only 3 were found to be valid: 2 from Sunland Tujunga Neighborhood Council and 1 from Studio City Neighborhood Council.²

It should be noted that both the Sunland Tujunga and Studio City election challenges were heard at the first Regional Grievance Panel, which was the first time any panel had been called for either a grievance or an election challenge. At this hearing, it became clear that the process outlined in the existing ordinance for providing notice of the hearing as well as the testimony process during the hearing was insufficient to ensure all parties had the ability to speak before the panel. EmpowerLA worked with the City Attorney's Office to change some of the processes³ in order to ensure that the

¹ During the Neighborhood Council Election Town Halls in 2015, the Neighborhood Council members pushed for providing remedy flexibility for the Neighborhood Council Grievance Panels for election challenges because of the various situations that could arise, which may not be able to be addressed with a standardized remedy system.

² All election challenges and determinations are listed on the EmpowerLA website at empowerla/elections/ under the

[&]quot;Submitted Challenges" button.

³ These changes were: the notice to candidates against whom challenges were filed had to state specifically that they could be removed if they lost the challenge, and additional time was provided to these candidates to speak on their behalf at the hearing. In the original ordinance, only the challenger and EmpowerLA staff could present testimony.

Honorable Members of the Los Angeles City Council February 28, 2017 Page 5 of 5

Regional Grievance Panel was able to hear all of the evidence from the parties. While the result was a changing of the procedures during the election challenge process, these changes were necessary to provide equity to the parties involved and to supply the information the panelists needed to make a determination. As a result of the changes, there were no other issues for the remaining election challenges reviewed by the Regional Grievance Panel.

ELECTION CHANGES

In future elections, EmpowerLA will be focusing on the outreach for candidates and voters while the Office of the City Clerk (City Clerk) conducts the elections and administers the election challenges. The City Clerk has included in their election budget proposal for Fiscal Year 2017-2018 additional funds for paid at-polls staff because of the difficulty with recruiting and training volunteers. This change will make training and running the polls more uniform in future Neighborhood Council elections.

Another opportunity for Neighborhood Councils to weigh in on election policies and procedures will be available for Neighborhood Council stakeholders to provide feedback prior to the next election cycle on any other updates that should be made. EmpowerLA and the City Clerk will work together to conduct this engagement.

The City Clerk will still process election challenges with the Neighborhood Council Grievance Panels because the decision to use the panels was suggested by the Neighborhood Councils in the first place, which is why it is included in the original ordinance. EmpowerLA recommends the City Attorney's Office be instructed to update the ordinance addressing the changes EmpowerLA had to make mid-process during the 2016 elections and the ability of the City Clerk to have the authority to administer the election challenges prior to the next Neighborhood Council elections.

CONCLUSION

EmpowerLA anticipates the election changes and recommendation in this report will address the City Council's concerns to improve the Neighborhood Council voting environment and election challenges.

Please feel free to contact me directly if you have any questions relative to this report.

Sincerely,

General Manager Department of Neighborhood Empowerment

EXHIBIT E

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General Jeff shared his post to the group: DTLA UNCENSORED.

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MAJOR' SUPPORT FOR SKID ROW NEIGHBORHOOD COUNCIL:...The
 Mayor's Office of Economic Opportunity issues a statement of it's support for
 the creation of the Skid Row Neighborhood Council.

In an e-mail sent to myself and someone else in City Hall, Alisa Orduna, the Mayor's Homeless Policy Director, wrote;

"We support the efforts of this endeavor (SRNC). Skid Row is a strong, yet overlocked community, and needs fair access to a democratic process to advocate for equitable distribution of public resources and city services.

A localized Neighborhood Gouncil will help give voice and local control to this community. With direct resources and organizational structure- this community will be able to thrive."

Sincerely,

Alisa

#SkidRowMatters #SkidRowNeighborhoodCouncil

#Vote4SkidRowNC #WakeHistory

General Jeff
Skid Row Neighborhood Council
The State State

- As stakeholders continue to reach out to me expressing their disbelief that they will be pulled into a Skid Row Neighborhood Council without their knowledge – I have to ask
 What's the Rush? Neighborhood Councils are vital to a community – and the questions that have been raised here in recent weeks are real. Slowing down this process to make it clear and equitable is not just important for this new seceding neighborhood council, but to the legitimacy of all neighborhood councils.
- This proposed Neighborhood Council area is comprised of immigrant workers, owner-operated small businesses, companies that provide thousands of jobs, property owners, non-profit service providers, high-to-low income renters, artists, as well as unsheltered. The role of a neighborhood council is to serve all with equality and inclusion and therefore all stakeholders affected should receive proper notice and information about the process. The burden for information and notification should not fall on the affected parties, but on the formation committee proposing the secession. Please delay this election or at the very least, ensure a wider group of stakeholders is allowed to vote.

Date: 3 Submitted in Committee Council File No: Item No.: 12-1022 from the Poblic

BLAIR BESTON PUBLIC COMMENT

Couver file #15-102252

Good Evening Committee Chair Wesson and Committee members Huizar and Harris-Dawson, My name is Robert Newman, VP of Administration for the Downtown Los Angeles Neighborhood Council.

I have two parts to share with you regarding the online voting subject matter;

Firstly, in the 2016 Neighborhood Council Elections a total of 25,571 voters cast ballots. 34 Neighborhood Councils conducted online voting. 34% of stakeholders voted online. I got elected to my third term on DLANC in this election with 82% early voting and 16% were cast at the polling place. No stakeholder cast a paper ballot for me.

Therefore, I support online voting and I believe it is a very integral part of the civic engagement process and stakeholder participation. But like any voting process it must be fair, convenient, and inclusive for all stakeholders which leads me to my second part.

Legislation is amended and enacted with the best of intentions, we do not see some of the pitfalls till the process commences. The Subdivision ordinance is no exception. The Subdivision Ordinance as written has caused downtown stakeholders to be divided, not united. The process in which it is being executed by is flawed. If this continues it will disenfranchise all neighborhood councils. If the Skid Row Neighborhood Council Election goes forward it will make a mockery of the importance and seriousness of this matter. This is the very first election under the subdivision ordinance and it is riddled with procedural defects that violate the Los Angeles Municipal Code, which will result in a biased election.

So here is my ask;

To ensure high standards and maintain the integrity of the voting process and the neighborhood council system, I urge you to reconsider the Skid Row Subdivion Petition. It should be denied and the election delayed indefinitely till all issues and procedural defects are resolved.

When and if this process goes forward, The City Clerk should conduct the election and let's make sure that we get as many stakeholders to participate by providing an inclusive, secure, and wellfunded online voting platform including pop up polls as in last year excluding the Voter Suppression that will take place next month if this matter goes forward.

Let's not go forward with this hastily developed election process. Let's hit the pause button and do the right thing for the whole Downtown Los Angeles Community.

Thank you for your time, I am confident you will do the right thing and I bid you a good evening. Thank you.