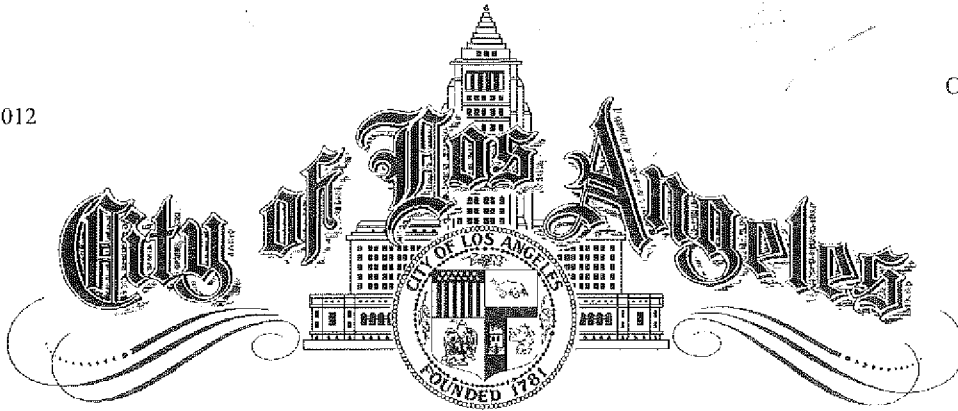


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 2 - 0 0 8 8

APR 0 3 2012

REPORT RE:

**DRAFT ORDINANCE TO AMEND 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

Honorable Members:

Pursuant to your request, this Office has prepared a draft ordinance that would amend the Los Angeles Administrative Code to transfer to the Department of Neighborhood Empowerment (Department) the temporary authority to administer Neighborhood Council elections during the 2012 calendar year and transmits the enclosed draft ordinance, approved as to form and legality, for your consideration. The draft ordinance would amend LAAC Sections 20.36 and 22.816. The draft ordinance eliminates obsolete provisions from these sections that were applicable during previously conducted City Clerk elections. In addition, the draft ordinance would add a new provision, LAAC Section 22.801.2, which grants the Department temporary authority to administer 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. The draft ordinance temporarily transfers to the Department

the authority to conduct Neighborhood Council elections during the 2012 calendar year. The draft ordinance also allows the Department the authority, for those Neighborhood Councils that desire, to opt out of an election and extend current board members' terms to the 2014 calendar year.

Please note that this draft ordinance does not impact the ability of Neighborhood Councils to "select" their board members during the 2012 calendar 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 draft 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.

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,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:DRM:mg
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 20.36 and 22.816 and adding Section 22.801.2 to 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, Chapter 3, Article 1 of the Los Angeles Administrative Code is amended in its entirety to read as follows:

Sec. 20.36. Neighborhood Council Elections.

The City Clerk is hereby authorized and directed:

(1) 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 by the City Clerk in consultation with the Neighborhood Councils and pursuant to this Section, except that the City Clerk shall not conduct elections during the 2012 calendar year. The Department of Neighborhood Empowerment shall have the authority to administer Neighborhood Council elections during the 2012 and 2013 calendar years pursuant to Los Angeles Administrative Code section 22.801.2.

(2) To promulgate election procedures, rules and regulations and issue any directives, moratoria or rules necessary for any City Clerk administered Neighborhood Council election.

(3) 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 administered by the City Clerk, as determined by the City Clerk, to any stakeholder, as defined in Los Angeles Administrative Code section 22.811(a)(2), who voted in a Neighborhood Council election conducted by the City Clerk and has requested a recount of any Neighborhood Council election.

Sec. 2. A new Section 22.801.2 is added to the Los Angeles Administrative Code to read as follows:

Sec. 22.801.2. Neighborhood Council Elections administered by the Department.

The Department is authorized and directed:

(a) To conduct Neighborhood Council board member elections during the 2012 calendar year pursuant to a schedule developed in consultation with the

Neighborhood Councils and pursuant to this section. To the extent that the Department is unable to feasibly conduct a Neighborhood Council board member elections during the 2012 calendar year, the Department also may conduct the election during the 2013 calendar year pursuant to this Section.

(b) To promulgate election procedures, rules and regulations and issue any directives, moratoria or rules necessary for any Department administered Neighborhood Council election, including the promulgation of any procedures, rules, regulations, directives, moratoria for the resolution of any election challenge.

(c) The Department shall have the authority to revise and amend any Neighborhood Council's bylaws to ensure that the bylaws comply with this Section. In addition, the Department in its discretion may direct that the term of any Neighborhood Council board member that expires on or before the 2012 calendar year, either be extended through and including such time as the Department may administer elections pursuant to this section or extended to the effective date for the results of the next regularly scheduled Neighborhood Council election scheduled for the 2014 calendar year.

(d) 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 administered by the Department, as determined by the Department, to any stakeholder, as defined in Los Angeles Administrative Code section 22.811(a)(2), who voted in a Neighborhood Council election conducted by the City Clerk and has requested a recount of any Neighborhood Council election.

Sec. 3. Section 22.816, Chapter 28, Article 3 of the Los Angeles Administrative Code is amended in its entirety to read as follows:

Sec. 22.816. Neighborhood Council Elections administered by the City Clerk.

(a) **Administration.** Neighborhood Council board member elections shall be administered by the Office of the City Clerk pursuant to Section 20.36 of this Code, except that during the 2012 and 2013 calendar year Neighborhood Council elections shall be administered by the Department of Neighborhood Empowerment pursuant to Los Angeles Administrative Code section 22.801.2. During City Clerk administered elections, the City Clerk shall have authority to:

(1) 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 by the City Clerk in consultation with Neighborhood Councils.

(2) To promulgate election procedures, rules and regulations and issue any directives, moratoria or rules necessary to administer the Neighborhood Council board member elections.

(b) **Election Challenges.** During any election administered by the City Clerk, election challenges shall be resolved by the regional grievance process established by the City Clerk, which process may be modified by the City Clerk from time to time.

(1) Decisions made throughout the election cycle by the City Clerk may be appealed to a panel drawn from a pool of stakeholders, which method of selection to the panel and its final composition will be developed by the Department and the City Clerk in consultation with the Neighborhood Councils.

(2) Election challenges that are not resolved by the stakeholder panel will be resolved through the regional grievance process once that process is established. Until the establishment of the regional grievance process, the City Clerk will be responsible for resolving all Neighborhood Council election challenges and may issue any related rules and procedures, and impose any remedies to resolve an election challenge.

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 _____.

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
DARREN R. MARTINEZ
Deputy City Attorney

Date 3/7/2012

File No. 11-1912