

CATEGORY: Policy

COMMITTEE: Executive/Budget & Finance

PURPOSE: CIS Regarding BONC Code-of-Conduct Amendment 7/16/2021

BACKGROUND:

“In the late 1990’s, Los Angeles was facing a crisis as discontent neighborhoods across the city expressed their displeasure at being under-represented by city government. The most visible sign of alienation was the San Fernando Valley and Harbor areas secession movements. One alternative considered was increasing the fifteen City Council seats. There were concerns that City Council districts, at nearly a quarter-million people each, the largest in the nation, were too large to respond to many of the concerns of individual communities.”¹

“Rather than increase the existing representative democracy, the framers of the City Charter reform proposed a citywide Neighborhood Council (NC) system that they knew would be an experiment in participatory democracy. As one of the community members involved in the development of the system remembers, ‘It was damn exciting! We were creating an entirely new way for everyday people to be involved in city government, to change it for the better.’ ***NCs were to be self-governing, independent advisory bodies to the City*** [emphasis mine], and yet part of the City family as well. This presented not only a groundbreaking opportunity, but also an equally daunting challenge of how to cultivate grassroots democracy in one of the county’s most populous, most geographically vast and culturally diverse urban metropolitan centers, with a historically low level of civic participation.”¹

In 1999, the voters of Los Angeles created the Neighborhood Council System. It is Article IX of the Los Angeles City Charter.² Its purpose is “to promote more citizen participation in government and make government more responsive to local needs, a citywide system of neighborhood councils, and a Department of Neighborhood Empowerment...”² is to be formed.²

The Department of Neighborhood Empowerment (DONE) has the “duties and responsibilities”² of assisting each community that wants to establish an NC. Once an NC is formed, DONE is to “arrange training” for “officers and staff” and “assist neighborhood councils to share resources, including offices, equipment, and other forms of support for them to communicate with constituents, other neighborhood councils and with government officials”²

¹ <https://participedia.net/case/4207#>

² <https://empowerla.org/wp-content/uploads/2012/12/LACityCharter-Article-IX.pdf>

In 2015, Ordinance 183487³ was codified establishing Regional Grievance Panels, Appointments to a Regional Grievance Panel, and a Grievance Process providing remedies. Each Neighborhood Council may appoint one board member to serve as a panelist.⁴ It was to “create a system of regional grievance panels to consider Neighborhood Council grievances and to create the option for the Board of Neighborhood commissioners to declare one or more seats on a Neighborhood Council board vacant rather than decertifying an entire Neighborhood Council.”⁵

In 2019, the MVCC separated a part of its governing documents to create a free-standing Code-of-Conduct Policy that could be amended by a majority vote.⁶ All NCs are responsible for its own bylaws and governing documents.

In 2020, the MVCC amended the Bylaws to include Sections 8 and 9 of Article V providing remedies for Censure and Removal, respectively.

All of the above, illustrates how the *DONE General Manager’s Requested Action in its 7/19/21 letter to Board of Neighborhood Commissioners (BONC)* for approval of the amendments to the Code of Conduct⁷ is unwarranted, unnecessary, and has redundancy without constitutionally protected rights; especially removing due process, a right protected by the Constitution.⁸

An especially egregious offense to NCs which “*were to be self-governing, independent advisory bodies to the City*”⁹ is that the Proposed Amendment was completed by an Ad Hoc committee (which has no Brown Act requirements) and “partners” which were all BONC/DONE/City staff and did not include any form of NC representation and is to be a blanket policy for all NCs.⁹ [pg. 1, Par. 3/4, pg. 2, Par.1] .

In this blanket acceptance is the City of Los Angeles Draft Workplace Equity Policy which is 13-page draft created in 2020. In 2021, the majority of NCs held an election and this draft has not been properly reviewed and vetted by the newly-elected NC board members; therefore, it should not be included for a blanket acceptance.¹⁰ If forced upon NCs, every NC is to comply

³ https://empowerla.org/wp-content/uploads/2020/08/15-0067_ord_183487.pdf

⁴ <https://empowerla.org/wp-content/uploads/2016/03/Grievance-Policy.pdf>

⁵ https://clkrep.lacity.org/onlinedocs/2015/15-0067_rpt_DONE_02-13-2015.pdf

⁶ <https://www.marvista.org/committees/viewCommitteeFile/167>

⁷ <https://empowerla.org/wp-content/uploads/2021/07/CODE-OF-CONDUCT-AMENDMENT-07162021.pdf>

⁸ <https://constitutioncenter.org/interactive-constitution/interpretation/amendment-xiv/clauses/701>

⁹ <https://participedia.net/case/4207#>

¹⁰ <https://empowerla.org/wp-content/uploads/2021/07/Workplace-Equity-Policy-DRAFT-10-2-2020.pdf>

and keep a “roster management” for this system that they did not individually agree to adopt. In fact, even if NC members do not sign the agreement, they are still bound by it.¹¹ [pg. 2]

Again, the Neighborhood Council System was designed to be responsive to local needs. It was created because the people of Los Angeles no longer wanted to be ignored for the individuality of their community or have a top-down governmental system. The NC system was to bring in a bottom-up solution. This Policy is 100% top-down.

Each NC has its own organizational structure and each member are volunteers. Not one member gets paid. So, to recommend that non-elected, paid staff person(s) may remove an elected member is unconscionable and anti-democratic!

The unconstitutional request tops off the “top-down” bureaucratic dogma by recommending that any allegation of violation could result in a 90-day suspension by the General Manager WITHOUT DUE PROCESS! This highly unconstitutional request should be the impetus to throw out the entire draft and return to the bottom-up design of the Neighborhood Council—let each council work out their own governing documents.

This Policy is riddled with the wishes of paid City staff who want to make their jobs easier. Unfortunately, by doing so, they eliminate the purpose of the entire Neighborhood Council System and remove democratic principles that have existed within California before it became a state.

THE MOTION:

The MVCC is “Against” the Amendment to the BONC Code-of-Conduct 7/16/2021 due to its many flaws, especially violating our constitutionally protected right of due process.

¹¹ <https://empowerla.org/wp-content/uploads/2021/07/CODE-OF-CONDUCT-AMENDMENT-07162021.pdf>



September 24, 2021

Board of Neighborhood Commissioners
City of Los Angeles

**OBJECTION BY BEL AIR BEVERLY CREST NEIGHBORHOOD COUNCIL TO AN
ADDITIONAL ‘CODE OF CONDUCT’ PROPOSED BY THE DEPARTMENT OF
NEIGHBORHOOD EMPOWERMENT**

The Bel Air Beverly Crest Neighborhood Council hereby objects to the proposed DONE Code of Conduct because:

1. This proposed Code of Conduct invests disciplinary authority in an unelected City bureaucrat rather than in the authority of the Presidents of the respective Neighborhood Council Boards, duly elected by the citizens of the community. The Department of Neighborhood Empowerment has no legal authority over the proceedings of Neighborhood Council except as in an advisory, educational, administrative, or training position.
2. This proposed scheme does not solve the problem it purports to solve. Stakeholders are citizens of the community. To require a Stakeholder to agree to any Code of Conduct as a condition of being allowed to express an opinion or make a comment flies in the face of any form of democracy. Accordingly, if a Stakeholder cannot be held to this proposed agreement, but the Board members can be, the proposed agreement does not have equal impact on both parties and will not resolve any conflicts between Stakeholders and a Board.
3. The proposed Code of Conduct is redundant. Board members have already pledged themselves to follow the City of Los Angeles Workplace Equity Policy. Any further Code of Conduct will require more of Neighborhood Councils than any other City agency, even though the purpose of

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STAKEHOLDER GROUPS

Bel Air Association
Bel-Air Crest Master Association
Bel Air Hills Association
Bel Air Ridge Association
Benedict Canyon Association
Casiano Estates Association
Doheny-Sunset Plaza Neighborhood Assn.
Holmby Hills Homeowners Association
Laurel Canyon Association
Residents of Beverly Glen

RESIDENTIAL DISTRICTS

Bel Air District
Bel Air Glen District
Franklin-Coldwater District
North of Sunset District

NON-RESIDENTIAL REPRESENTATION

At-Large Members
Commercial or Office Enterprise Districts
Custodians of Open Space
Faith-Based Institutions
Public Schools & Private Schools

the Neighborhood Council is to be independent of the City so as to be able to independently advise their City Council Member.

4. By its own admission, DONE has evolved this proposed flawed policy without the input of independent Neighborhood Councils, relying only commissioners and committees. In short, DONE has eliminated from the development process the Neighborhood Councils who are on the frontlines and who can provide firsthand practical rather than theoretical advice.
5. If the Department of Neighborhood Empowerment wishes to place itself in a protective position at Neighborhood Council meetings, it must be at the invitation of each individual Neighborhood Council President and DONE should not be able to assert itself without invitation.
6. The proposed Code of Conduct may be easily construed by some persons as an attempt by DONE to control what takes place during Neighborhood Council meetings – an overreach by City officials that would damage the integrity of the Neighborhood Council System.
7. If DONE wishes to assist Neighborhood Councils from unruly stakeholders, protection should include Police Department support in case of violence and lessons in conflict resolution.

For these reasons, the Bel Air Beverly Crest Neighborhood Council objects to this imposition and interference with its mandated independence.

This position was adopted at the regular meeting of the Bel Air-Beverly Crest Neighborhood Council on September 22, 2021 with a quorum of members present and voting unanimously in the affirmative.

Sincerely,



Travis Longcore, Ph.D., President
Bel Air-Beverly Crest Neighborhood Council
tlongcore@babenc.org