

CITY OF LOS ANGELES  
INTRA-DEPARTMENTAL CORRESPONDENCE

**DATE:** June 28, 2010

**TO:** Board of Neighborhood Commissioners

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**SUBJECT: BYLAW REFORM POLICY PROPOSAL**

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**Executive Summary**

The Neighborhood Council (NC) System has been in existence for nearly a decade and during this time the NC System has accomplished much and faced a comparable amount of challenges. Many of these challenges are caused by overall systemic shortcomings, which can be attributed to the lack of standard processes and procedures reflected in the NCs' bylaws. There are currently ninety-one (91) NCs, soon to be ninety-three (93), and each of these NCs has a unique set of bylaws with various structure styles, different clauses, articles, language and interpretations.

Greater consistency is required for the NC bylaws because of both systemic and departmental needs. When NCs have encountered operational difficulties, vague and/or incomplete bylaws have often been the root of the problem. The NC System is only as strong as its weakest members. Bylaw reform would decrease the chances of NCs faltering as well as increase the speed with which assistance can be rendered.

Such efficiencies also assist the NC support staff of the Department of Neighborhood Empowerment (Department). With a significantly reduced work force, Department staff cannot spend the same amount of time as in the past assisting NCs who have struggled due to inferior or flawed bylaws. Establishing consistency within the bylaws also assists in the overall work load of the staff in dealing with conflicts caused by NC bylaws.

The recommended bylaw reform policy would seek to provide a bylaw template to be used system-wide. The template, while containing some level of standard language, would allow for complete creativity and uniqueness in most areas of the bylaws. The bylaws template is integral in the promulgation and implementation of a bylaws reform policy. This template contains some standard mandated language and clearly shows areas where NCs have the ability to decide those components that fit their governing body, and a structure that meets the needs of their Board as well as their community in general. It also contains sample language in all sections of the bylaws for those NCs who would like alternative language in their bylaws. (See Attachment.) In addition, for any policy proposal to be effective, it must be adhered to by all NCs, and there has to be clear outcomes for NCs who ignore and/or refuse to follow the policy.

The future of the NC system rests on greater structural consistencies and mechanisms for transparency, which begins with the foundation of a NC's operations, the bylaws.

### **Background**

In the Fall of 2006, the Controller's Office conducted a performance and financial audit on the Department. Finding #2 of the audit referenced that generally, different sets of bylaws used by Neighborhood Councils have reduced the effectiveness in the Department's supportive and monitoring role. Further, in 2007, the Neighborhood Council Review Commission (NCRC), as part of its reform recommendations included the need for a more consistent set of bylaws in form and structure for all Neighborhood Councils.

More recently, the Board of Neighborhood Commissioners (Commission), recognizing the challenges facing NCs and attributing some of those challenges to the lack of standardized language in bylaws, prioritized issues of concern and began to address the various policy needs of the NC System. The Commission identified bylaw reform as a priority for immediate attention and action. The Commission is working closely with the Department in order for system-wide policies to be identified, prioritized and addressed as soon as possible.

On October 10, 2009, at the annual Congress of Neighborhoods, the Department presented the idea of a "semi-standardized" approach to bylaws. The proposal involved the standardization of certain articles within the bylaws, specifically articles that deal with process and procedures. The proposal allowed the NCs the ability to maintain self governance and reflect the uniqueness of their community by having decision making authority to define the governing aspects of their bylaws.

The Department, in partnership with the Board of Neighborhood Commissioners, held its first public vetting of the policy proposal at the October 2009 Congress of Neighborhoods and the response was fairly evenly divided, with some who wanted a level of standardization and those who did not. One thing was overwhelmingly clear to the Commission as well as the Department: the NCs wanted to have more direct involvement in this policy, the decision making process and its implementation.

Out of the October 2009 public vetting, the Bylaws Task Force was born which was composed of a group of 20 to 25 participants; the majority of participants were NC leaders, one Deputy City Attorney, Commission representatives and Department staff. The Bylaws Task Force (BTF) met consistently at the start of 2010 and after five (5) meetings, the group presented a report to the Commission with a series of recommendations

### **Bylaws Task Force (BTF) Recommendations**

The BTF submitted a report to the Commission on May 4, 2010, detailing their work and recommendations for a wire frame model for all NC bylaws as well as suggested language for various areas of the bylaws, including the stakeholder definition, finances, compliance, removal and grievances among other provisions. The BTF also recommended voluntary compliance for the NCs of the suggestions put forth by the BTF.

Aside from the stakeholder definition and grievances, which should be addressed by City Council in the former case and in the latter case by the Commission in a separate policy, most of the recommended language and wire frame model is incorporated into the bylaws template. In the sections regarding finance and training, the Department is requesting additional inclusions not presented by the BTF. The Department incorporated the City Clerk's requests for specific language regarding the elections articles.

### Policy Proposal

After reviewing and analyzing the BTF's report and recommendations, the Department recommends the following:

- The Board of Neighborhood Commissioners should adopt bylaw reform for the Neighborhood Council system.
- The policy should be mandated and contain a timeline for its adoption and implementation.
- The policy should contain the "wire-frame" that the BTF adopted and is proposing as an option to the Commission.
- In addition, the Department would like to recommend the adoption and implementation of standard language in limited areas of the bylaws as detailed in the Attachment.
- The standard language would seek to address issues around process, procedures and compliance.
- The Board of Neighborhood Commissioners should adopt a streamlined process of approving the bylaws template through a simple majority vote at a regular Board meeting.

### Policy Proposal Pros & Cons

It is clear that NCs have come to appreciate and truly own their bylaws. An analogy could be made that NCs regard their bylaws as their "constitution" and a guiding document to help them navigate through the system. There is also a sense of community-identity with each respective set of bylaws and of course, a concept very dear to NCs, which is **self governance**.

Because the Department understands the dynamic at play and is aware of the importance of bylaws to NCs, partial bylaw reform is recommended. The work of the BTF has also been incorporated into the recommendations proposed in this report as we understand the perspective of the NC leaders and feel strongly that their work should be reflected as part of any recommendations. As a Department with minimal staff to support the Neighborhood Council system, we find it necessary to maximize efficiencies and minimize the possibilities for the NC system to begin faltering due to systemic weaknesses. Greater consistency of bylaws across the system will contribute greatly to empower NC Boards to self govern and to effectively engage with city government.

The Department has identified the following as advantages and disadvantages of the policy in question.

**Areas that may be considered Pros and/or advantages are the following:**

PRO – If bylaw reform is adopted, it will fulfill the NCRC recommendations thereby fulfilling the will of City Council which adopted the NCRC set of recommendations.

PRO – With the Department of Neighborhood Empowerment having faced and continuing to face significant reductions in staff and a possible merger with another City Department, it is important to find avenues where efficiencies may be identified and implemented. ,

PRO – By the same token, with the current staffing levels, the Department is experiencing difficulty addressing the number of complaints and requests for assistance from struggling groups. The time for NCs to self-correct some behavioral issues is now, through a bylaw reform policy.

PRO – While bylaw reform may represent a work load issue for Department staff on the front end, it will certainly be worth the investment now as opposed to continuing to deal with 91, soon to be 93, different sets of bylaws with different structures, language, articles, clauses and ultimately different interpretations bringing an end to many of the issues that cause problems for NCs.

PRO – Bylaw reform would allow NCs to maintain their individuality by having a say on the language they want to see in the articles that speak to an NC's individuality and self governance. For example: the NCs would still be able to determine their Board size, quorum, Board structure, mission, guiding principles, committee structure, etc.

PRO – The Department is interested in bringing reform and a level of similarity to the system as it pertains to the structure of the bylaw document and the articles that deal with process, procedural matters and compliance; articles regarding self governance should remain untouched.

**Areas that may be considered Cons and/or disadvantages are the following:**

CON – NCs may feel and/or perceive that the City wants to control them, although the limited standard language in the bylaws does not support this argument.

CON – The time it will take for NCs to make the changes. As noted below, the Department will be taking on the majority of the work in implementing the existing bylaws into the template so that NCs will merely have to make simple check box selections to be passed by a simple majority vote at a regular Board meeting.

CON – NCs believe their bylaws are fine since they have not had any problems. Again, language that has worked for the bylaws will be implemented into the existing template,

which may also reveal areas where the bylaws are silent and which could represent a problem in the future.

CON – Adopting a template will add unnecessary volume to the bylaws by taking a document that may currently be small and making it large.

**Public Discussion**

Date	Event	Activity
<b>NOTE:</b> Activities delineated in this table are post-October 2009 Congress discussions		
May 4, 2010	Board of Neighborhood Commissioners Public Hearing in Northridge	Bylaws Taskforce discussed for the first time the report and recommendations resulting from the work the bylaws taskforce accomplished.
June 1, 2010	Board of Neighborhood Commissioners Public Hearing in Olympic Park	Bylaws Task force representatives presented again on the recommendations agreed upon by the task force Department staff reported on an initial response to the Task force's report
June 28, 2010	Board of Neighborhood Commissioners Public Hearing in City Hall, downtown	Department staff will present on the Department's recommendation to accept, reject or blend recommendations to move forward with bylaws reform.
TBA	Community Town Hall Meeting – centrally located	Have a full discussion with members of the public on the issue and hear opinions, concerns and testimony on this issue. (possible additional town halls can be conducted base on the response and demand to more public comment)
TBA	Board of Neighborhood Commissioners Public Hearing	The Commission would make a decision regarding the adoption of any recommendations made by the Department and/or the Bylaws Task Force.

**Policy Implementation Plan**

Realizing the scope of work involved by the Department and Neighborhood Councils in the bylaw reform process, the Department has adopted a proposed implementation plan using a timeline of four (4) to six (6) months. Given its current lack of resources, but recognizing the benefits of such policy, the Department will work with a dedicated and experienced team from its staff to undertake this project. Help from NC volunteers who express interest in assisting

the Department with this task will also be solicited. Staff will be responsible for the majority of the work by taking the template containing mandated language and adding into the template the areas of the bylaws where language is not mandated and which provide uniqueness to each Neighborhood Council.

The Department's approach to the bylaw reform will involve a schedule and /or timeline which will be developed and implemented by planning areas. All the NCs in each of the planning areas will be given a timeline as to when the process will start and end. The Department will work to accommodate NCs to the extent possible on bylaw reform, however, if an NC does not comply with the policy, , the Neighborhood Council will be required to make a formal request for exemption.

### **Policy Evaluation**

The Department, in partnership with the Commission, the NC system, and the Office of the City Attorney will work to evaluate the implementation of the Bylaw Reform and assess whether or not changes will need to be made for purposes of addressing any issues that may arise. The Department estimates that September 2010 through March 2011, could be a timeline to thoroughly assess and track the implementation of the bylaw reform policy and process.

### **Conclusion**

The Department of Neighborhood Empowerment has been working diligently for several years to push forward policy that will help address the needs of the NCs. It is worth repeating that it is clear that bylaws are a sensitive issue for some NCs as bylaws are the root of time sacrificed, effort and dedication contributed by some NC participants. Some NCs function better than others and as a system, the NCs are not all functioning at the same level. However, policy cannot succeed if it is not equitably applied to everyone; policy cannot work if compliance remains voluntary. It is anticipated that the Commission will consider the Department's recommendations as intended to establish a stronger foundation for an effective citywide NC system.

Lastly, the Department appreciates the opportunity to partner with the Bylaws Task Force, and the group is to be commended for their hard work, effort, commitment and conviction. Opportunities lead to partnerships and partnerships lead to success; we look forward to future opportunities to work side by side with our Neighborhood Council leaders to continue building a successful system.