

ENCINO NEIGHBORHOOD COUNCIL STANDING RULES

Article I NAME

Article II PURPOSE

Article III BOUNDARIES

Section 1: Boundary Description

Section 2: Internal Boundaries

Article IV STAKEHOLDER

Article V GOVERNING BOARD

Section 1: Composition

I. Unless the presiding officer appoints a Parliamentarian at the commencement of the meeting, the Sergeant at Arms shall be the Parliamentarian for the meeting to provide interpretations of parliamentary procedure as requested from time to time by the presiding officer. [Adopted 12-6-06]

Section 2: Quorum

Section 3: Official Actions

A. The proposals and recommendation of the ENC shall be in the form of a Community Impact Statement (CIS). The CIS will include findings of fact, recommendations and a summary of the public input (i.e. speaker's comments). Should there not be a consensus on an issue, then a Majority Statement and a Minority Statement will be included in the CIS. It shall be improper to submit the results of a majority vote of the ENC, without the required Statement of findings of fact, proposals and recommendations of the ENC. (ADD DATE)

B. Explanation of Vote Tally:

Voting Tally - Eligible Votes for motions shall be counted in the manner exemplified by <https://empowerla.org/neighborhood-council-voting-facts/> ***Note: As of the 2022 Bylaws, Encino NC has selected Option 2 of the linked guide per Article V, Section 3 of the Bylaws, as follows:

The board will take action in the following way: By vote of a simple majority of board members present and voting.

For example:

A Neighborhood Council has 21 board seats and has a quorum of 11 board members to take action. Fourteen board members are present, but only 12 are qualified to vote for an item because 2 of them do not meet training requirements.

Thus, the simple majority of board members present and voting is 12, and requires 7 votes "for" for it to pass.

If the final vote is 7 "for", 5 against, then the motion passes. However, if the final vote is 6 "for", 5 against, and 1 abstention, the motion fails. For the purpose of determining a majority of votes, abstentions are counted as a "no" vote (Encino NC Bylaws Article V, Section 3).

Note, the required number of votes necessary can change between each agenda item. For instance, if in this scenario, an agenda item requires 1 board member recusal, then some of the important numbers have shifted because now only 11 board members are present and qualified to vote.

Thus, a simple majority of board members present and voting requires 6 "for" votes to pass. If the final vote is 6 "for" and 5 against, then the motion passes. If at any point a recusal(s) brings the number of board members to less than a quorum, no action may be taken on the item.

Although a board member may be ineligible to vote on a particular item, they still count towards quorum. They do not, however, count towards the number of board members voting. A recused board member does not count towards quorum, nor the number of board members present, nor the number of board members voting. (7/27/2022)

- C. Conflict of Interest. A representative, alternate or committee member who is concerned that he or she may have a conflict of interest in connection with a matter before the council or committee of the council is encouraged to consult (but is not required to do so) the City Attorney. If a person receives advice that there is a conflict of interest, the board member shall recuse themselves from participating in the decision. Absent an opinion of the City Attorney, it is the responsibility of the representative, alternate or committee member to personally determine whether or not he or she has a conflict of interest. The board or committee may determine by a majority vote that an individual board or committee member should seek advice of the City Attorney as to whether or not a conflict exists as to a matter and if the board member refuses to seek advice, then the board member may not participate in the decision, including voting on the matter; in which case, the matter will be put over to the next regular meeting of the Council unless two-thirds (2/3) of the Representatives vote to hear the matter immediately. This rule does not affect the rights, obligations, and remedies of the representative, alternate, committee member and any other persons resulting from a representative, alternate or committee member's failure to declare a conflict of interest in connection with the matter voted upon. A board member who does not seek advice of the City Attorney assumes the risk of their behavior and may be subject to civil or criminal liability without the indemnification protections offered by the City Charter. Similarly, someone who "personally determines" their own conflict, presents an entirely different set of ethical concerns under Government Code section 1090. Any board member concerned with a Government Code section 1090 violation should immediately contact the City Attorney, and if warranted, the City Attorney may issue an advice letter voiding the expenditure and preventing the Neighborhood Council from entering or voting on the subject. [Adopted 7-26-06]

Section 4: Terms and Term Limits

Section 5: Duties and Powers

- I. The Board, by majority vote, may select an ambassador for specific issues or representation at Neighborhood Council alliances and groups. The ambassador may be removed by majority vote. Such authorized ambassadors must vote in meetings outside of the ENC in the manner consistent with the ENC Board as expressed as a position and/or vote on a given issue.
- II. If an issue has not been brought up for consideration and an official position has not been taken by the ENC, the ambassador can vote and must report back to the Executive Committee. The Executive Committee shall report the position at the general board meeting in a manner of their choosing. If the Board deems to take an opposite position than voted on by the ambassador(s), the ambassador must immediately send notification to the NC alliance or group and notify the ENC board noting the change in position. Such a list of ambassadors shall be kept by the Executive Committee and listed by name, email address, and date of their term on the ENC website.

Section 6: Vacancies

Section 7: Absences

Section 8: Censure

Section 9: Removal

Section 10: Resignation

Section 11: Community Outreach

Article VI OFFICERS

Section 1: Officers of the Board

1A: : Only Elected Representatives or Selected Organizational Representatives may serve as board officers. The positions may not be filled by Alternate Representatives or anyone not serving as a Representative. The assistant secretary position may be filled by any Representative, Alternate Representative, or non-board member Stakeholder. (9/28/2022)

Section 2: Duties and Powers

2A: the President will delegate or assume the duty of monitoring board member training compliance and verifying stakeholder status of applicants for vacant positions, and notify the Executive Committee of such assumption or delegation and any changes of assignment for such duties (5/27/2022)

Section 3: Selection of Officers

Section 4: Officer Terms

Article VII COMMITTEES AND THEIR DUTIES

Section 1: Standing Committees

- I. List of Committees
 1. Airport Committee
 2. Bylaws Committee
 3. Education Committee
 4. Executive Committee
 5. Finance Committee
 6. Homelessness Committee
 7. Outreach Committee
 8. Parks and Environment Committee
 9. Planning & Land Use Committee
 10. Public Safety Committee
 11. Traffic/Transportation Committee

Section 2: Ad Hoc

1. Election Committee

Section 3: Committee Creation and Authorization

A. Committee Authority -

- I. Committee recommendations shall be decided by majority vote of committee members present and voting. Quorums see Bylaws Article VII. A minority report, if submitted, is to be provided with a written majority report when a recommendation is made to the Council. The vote count must be shown on the written recommendation. [Adopted 09/29/05; Amended 08/22/07; Amended 08/22/2018]

B. Committee Structure –

- I. The Executive Committee shall consist of the officers of the Board. The Executive Committee shall have the authority to set the agenda and scheduling for each Board meeting. The Executive Committee may also discuss and make recommendations to the Board akin to any other committee. Meetings of the Executive Committee may be called by the President [Adopted 07/24/13].

D. Meetings.

- I. Committees must meet at least once each calendar quarter at specified periodic times and written minutes or reports of the meetings must be filed with the Board within seven (7) business days of the meetings. If the Committee does not meet once each calendar quarter, the Vice President may disband the Committee. [Adopted 03/22/06].
 - i. Exceptions: Bylaws and Ad Hoc Committees meet as needed. [Amended 03/12/2021 by Committee]
- II. Procedures. Committee meetings scheduled back-to-back should be avoided with a strong preference to have only one meeting scheduled per day and not to have meetings during normal work hours. Committee Agendas should show the committee members. Committee

Chairs shall coordinate the meeting dates through the Council office before posting notices to avoid conflicting meetings. Date??

Article VIII MEETINGS

- I. Conduct: Unless the Chairperson announces otherwise at the commencement of the meeting, the conduct of the meetings of the council and committees shall be governed by Roberts Rules of Order Revised as articulated in the city of Los Angeles Department of Neighborhood Empowerment Board Orientation Packet's "The Basic Rules of Parliamentary Procedure for Neighborhood Councils". [Adopted 9/29/05]
- II. Consent Items: The Agenda of the Council may have as an item following the approval of the minutes an item denoted "Consent Items". Consent Items shall consist of recommended actions of a routine nature passed unanimously by a committee for referral to the Council. The presiding officer will ask if there are any objections to the Consent Items, if there are none, they shall be deemed unanimously adopted by the affirmative vote of all Representatives and seated Alternate Representatives present. If there is an objection/question or public comment to an Item by a Representative, Alternate Representative, or attendee, the "pulled" item shall be heard and acted upon under the report of the Committee that referred the item. Each consent item will be described in approximately 20 words or less. Materials related to the Consent Item shall be available to the Representatives at the meeting. [Adopted 07/26/06] [Amended 03/05/2021]

Section 1: Meeting Time and Place

Section 2: Agenda Setting

- I. All items within the subject matter purview of an existing committee shall be heard by that committee prior to going to the full board.
 - a) Exception: If an item has exigent circumstances and/or "time is of the essence," it may bypass the respective jurisdictional committee and be placed on the Executive Committee agenda as an item for possible recommendation to the full board.
 - b) Executive Committee Challenge: Five (5) Representatives and/or Alternates in good standing (current with all required trainings) may challenge such bypass by submitting written communication to the executive committee.
 - c) Board Meeting Challenge: Any Representative and/or Alternate in good standing (current with all required trainings) may raise an objection during the regular or special Board Meeting, prior to its' consideration with the vocal support of four other members. If the challenge is successful, the item is immediately referred to the appropriate committee.
- II. Public comment for items not on the council Agenda, including announcements, comments, or requests, shall be Agenized as Public. Public Comment speakers shall be limited to two minutes each. The total Comment period shall not last more than ten minutes. At the conclusion of all business, if time allows, the presiding officer may, at his or her discretion, open another Comment Period. The Agenda shall include Board Member Comment on non-agenda items which shall be limited to one minute per person. The Chair may impose a reasonable time limit on any speaker. [Adopted 9-29-05]. [Amended 3/12/2021]

- III. The Council shall make every reasonable effort to host at least two positions of equal time for every issue on which a vote is expected [Adopted 9-29-05]Amended 1-28-2022

Section 3: Notifications/Postings

- I. Copies of Agendas, Minutes, and other materials from meetings will be available for public inspection at the Encino Neighborhood Council and to the extent feasible be posted on the website: [Adopted 9/29/05] www.encinonc.org [Amended 03/05/21]
- II.
- III. E. The Final Agenda for the regular Council meetings shall be posted at least 72 hours in advance in Brown Act compliance, at outside the Encino Chamber of Commerce at 4933 Balboa Blvd, Encino, CA 91316, and NCsupport@lacity.org and a good faith effort shall be made to also post the agenda at the Encino community Center, Encino Tarzana Branch of the Los Angeles Public Library, and such other public places as the council determines. All materials emailed or distributed to Council Representatives and Alternates shall be similarly distributed in a timely manner to members of the public who have so requested receipt of same. A form for this purpose shall be made readily available to interested persons on www.encinonc.org. Copies of the Agenda, Minutes, and other materials distributed to Council Representatives and Alternates shall be made available to the public at each meeting. A copy of each item for the current meeting shall be placed in a clearly marked binder which shall be readily available for public review. [Adopted 09/29/05, Amended 07/26/06] [Amended 03/05/2021]

Section 4: Reconsideration

Article IX FINANCE

- C. In allocating funding for community projects, the highest priority shall first be given to expenditures that would be for use within the boundaries of the Council. The intent of the program is to provide benefit to the Council’s geographic area. An expenditure for use not within the Council’s geographic boundaries (such as for schools that are located outside of the Council boundaries but serve Encino children) requires the Council to (i)make findings that the funds are not needed for projects of equal or greater new within the boundaries of the Council, (ii) be supported by a statement of need from the applicant, including disclosure of the participation of the Neighborhood Councils within whose boundary the applicant is located or provides services, (iv) be supported by a letter of acknowledgement from the applicant of the request for the assistance, and (v) be approved by DONE. [Adopted 8-22-07]

Article X ELECTION

Section 1: Administration of Election

Section 2: Governing Board Structure and Voting

Section 3: Minimum Voting Age

Section 4: Method of Verifying Stakeholder Status

Section 5: Restrictions on Candidates Running for Multiple Seats

Section 6: Other Election Related Language

- I. Newly elected Representatives will not be seated pending the final result of a recount or an election challenge. The incumbent Representative will continue in their duly elected/appointed positions until all election challenges are resolved.

Article XI GRIEVANCE PROCESS

- D. Grievance Procedures [Adopted 11/23/05; Amended 03/22/06] (see also Bylaws Section XI)
 - A. Any non-conflicted Stakeholder may serve on the AD HOC Grievance Panel ("Grievance Panel") excluding Representatives and Alternates of the Council.
 - B. The President and the Vice President, or their designees, shall represent the Council in connection with the Grievance. In the event the President or the Vice President is conflicted, the non-conflicted Member shall designate the Council Representative to participate in the Grievance processes. If both are conflicted, then the Executive Committee shall select two(2) Council Representatives in their place. Such designation shall be made within five (5) days of receipt of the Grievance.
 - C. The Grievance Panel shall set a meeting date within ten (10) days of their appointment for the purpose of having a hearing on the grievance, at which sufficient time shall be set aside to have the aggrieved parties present their concerns and for response by the Council Representatives and other interested parties. The Grievance Panel shall endeavor to encourage the resolution of the grievance by agreement of the parties. If agreement is not possible the Grievance Panel shall include in its report the positions of the parties and its recommendation to the Council for proposed action on the Grievance.
 - D. In the event that the Grievance Panel is unable to be selected (there being a lack of five persons who have previously indicated a willingness to serve on the Grievance Panel) or the parties were unable to reach agreement, then the matter shall be referred to mediation with a professional mediator, preferably who is willing to act on a pro bono basis. It shall be the responsibility of the Secretary (or if the Secretary is conflicted, the President, or if both are conflicted, the Executive Committee) to select the mediator. The mediation shall be held within ten (10) days of the selection of the mediator. The mediator shall be selected within five (5) days of the receipt of the grievance if a Grievance Panel is not able to be selected by the Secretary or within five (5) days of the Grievance Panel reporting that the parties did not reach agreement at the hearing. In the event a Grievance Panel has not been selected or the parties have not been able to reach agreement through the Grievance Panel process and the mediation has not been commenced by the next regularly scheduled Executive committee meeting more than ten (10) days after the time for the Secretary to select a mediator, the Executive Committee shall cause within five (5) days a mediation to be opened with the City Attorney Dispute Resolution Program or any of its affiliated participating programs (213)485-8324.

- E. An appeal to DONE shall not be undertaken until the grievance process has been completed with a vote by the Council on the report of the Grievance Panel or the Council's rejection of implementation of agreements reached in the Grievance process.
- F. The filing of a Grievance shall not affect the action of the Council to which the Grievance applies.
- G. The President shall report to the Executive Committee at its regular meetings the status of all open and/or pending Grievances.

Article XII PARLIAMENTARY AUTHORIT

Article XIII AMENDMENTS

C. Bylaws. At the first reading of a proposed bylaw amendment, no vote or action may be taken until the second reading; however, Council Members may comment or make suggestions regarding the proposed amendment(s). [Adopted 08/22/07]

Article XIV COMPLIANCE

Section 1: Code of Civility

- E. Code of Civility. Council Representatives and Alternates are encouraged to abide by the following Code of Civility to the best of their abilities.
 - I. Conduct oneself in a professional and civil manner at all times as representative of the council.
 - II. Treat each member of the board and members of the public with respect at all times, regardless of an individual's opinion, ethnicity, race, sexuality, age, disability or religion.
 - III. Even in the face of disagreement or differences of opinion, to demonstrate respect for colleagues and the public.
 - IV. Under no circumstances during Council meetings, functions, or events to engage in or threaten to engage in any verbal or physical attack on any other individual.
 - V. Communicate ideas and points of view clearly and allow others to do the same without interruption.
 - VI. To not use language that is abusive, threatening, obscene, or slanderous, including using profanities, insults or other disparaging remarks or gestures.
 - VII. Derogatory language about an individual's ethnicity, race, sexuality, age, disability, or religion is not acceptable.
 - VIII. To take responsibility for your own actions, and work to fulfill your role and responsibilities as specified in the bylaws, including required trainings.

- IX. To attempt to abide by the applicable laws that govern the Council, including bylaws, standing rules, the Brown Act, ethics rules, city ordinances, and the City Charter, and not knowingly violate any of the above.
- X. To abide by the Council's meeting procedures or rules in order to create a safe and effective environment for conducting business.
- XI. Promote and enforce a safe meeting environment at all times. At moments when members of the public become disruptive and violate these rules of civility that we have pledged to follow, to join fellow board members in demanding that the persons conduct themselves in a respectful and orderly manner even if you agree with the point of view that is being expressed.
- XII. Seek to present information truthfully, and not knowingly misrepresent, mischaracterize, or misquote information received from others.
- XIII. Pledge to truly listen to and hear other points of view.
- XIV. Practice the art of being able to disagree without being disagreeable.

Section 2: Training

Neighborhood Council Board Members, whether elected, selected or appointed, are required to complete and keep current all mandatory trainings in order to be seated at meetings (board, committee, and/or any alliance where the member represents the Board), make or second motions, or vote on issues that come before the Board. Trainings available to Board Members are created to ensure success during their period of service. This includes all mandatory trainings as may be promulgated by the Board as well as all local, county, state and federal laws, including, without limitation, the policies approved by the Board of Neighborhood Commissioners, the Department of Neighborhood Empowerment's rules and regulations, the City Governmental Ethics Ordinance (Los Angeles Municipal Code Section 49.5.1), the Brown Act, the Public Records Act, the Americans with Disabilities Act, and all laws and governmental policies pertaining to Conflicts of Interest. Newly seated Members must complete their required trainings within forty-five (45) days of being seated or the above conditions apply, and further, they must have completed Funding, Ethics, and Code of Conduct training prior to voting on any Funding matters. For continuing Board Members there is no grace period upon the expiration of any of their mandatory trainings. (Adopted 2/23/2022)

Section 3: Self-Assessment