



**CITY OF  
LOS ANGELES**

# ENCINO NEIGHBORHOOD COUNCIL

(A CERTIFIED NEIGHBORHOOD COUNCIL)  
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## OFFICERS

JOEL SIMON  
PRESIDENT

ROB GLUSHON  
VICE-PRESIDENT

JESSE WOODS  
TREASURER

SHERMAN GAMSON  
SECRETARY

GERALD A. SILVER  
SERGEANT AT ARMS

## MINUTES OF THE REGULAR MEETING OF THE BYLAWS COMMITTEE JANUARY 17, 2006

**Call to Order:** The regular meeting of the Bylaws Committee of the Encino Neighborhood Council was called to order by Chair Joel Simon., at 7:010 P.M., January 17, 2007, at the Council offices located at 4933 Balboa Boulevard, Encino, California. Notice of the meeting was duly posted Saturday, January 13, at the Chamber office, and as follows: Encino Community Center, 4935 Balboa Blvd.; Encino Chamber Of Commerce, 4933 Balboa Blvd.; The Coffee Bean & Tea Leaf, Ventura & Louise; Holy Martyrs Armenian Apostolic Church, 5300 White Oak Ave; and Encino /Tarzana Library, 18231 Ventura Blvd.

### **Bylaw Committee Attendance:**

<u>Voting Members:</u>	<u>Present</u>	<u>Absent</u>	<u>Non Voting Members:</u>	<u>Present</u>	<u>Absent</u>
Mike Baar		Excused	Also Present::		
Sharon Brewer	X		Brian Scott, Homeowner		
Sherman Gamson	X				
Helen Keosian	X				
Peter Noce		X			
Diane Rosen	X				
Gerald Silver	X				
Joel Simon	X				

The Chair announced that there was a quorum present. Francine Oshin, having missed all meetings of the Committee was removed as a voting member and Sharon Brewer was appointed to be a voting member.

**Approval of Agenda:** The Agenda was adopted without objection.

**Approval of October 18, 2006:** The minutes of October 18, 2006, were accepted with the amendment to reflect that the minutes of September 20, 2006 were accepted without objection. It was also noted that the letter head of the Council should be changed to reflect that Mr. Silver's middle initial is "A" not "R".

**Public Comment:** There was no public comment.

**Board Comment:** There was discussion not to have back to back committee meetings 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 committee members. There was discussion that the bylaws should be

modified to provide that minutes of Council meetings be sent 72 hours prior to meeting and available within a reasonable time after meetings and that the president should have the power to issue executive orders.

**Agenda Item 6. NEW STANDING RULE 12 – PARLIAMENTARIAN**

Motion by Gerald Silver, second by Sherman Gamson to adopt the following new Standing Rule 12; the motion passed unanimously:

12. 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.

**Agenda Item 6. AMEND ARTICLE IV, SECTION 7 REMOVAL**

Motion by Gerald Silver, second by Diane Rosen to adopt the following amendments to Section 7 of Article IV; the motion passed unanimously:

Section 1: Officers. The officers of the Council shall consist of a President, a Vice-President, a Secretary, a Treasurer, ~~a Secretary~~ and a Sergeant at Arms. The Council may also have, at the discretion of the Council, an assistant secretary. These officers shall be elected by the Representatives of the Council as provided below.

Section 2: Responsibilities of Officers.

~~ARTICLE IA.~~ President. The President shall be the principal officer of the Council and shall be the presiding officer at meetings of the Council and shall exercise and perform such other duties as the Council may assign from time to time or the bylaws may prescribe.

~~ARTICLE IB.~~ Vice President. The Vice-President shall act as presiding officer in the absence of the President and, in case of vacancy in the office of President, or in the case of the President's unavailability due to sickness, disability, death or resignation, the Vice President shall perform the duties of the President and when so acting shall have all the powers and perform such other duties as the Council or the Bylaws may prescribe. The Vice President shall be responsible for the oversight of all committees designated by the Council. The Vice President shall perform all other duties as the President or the Council may assign from time to time.

C. Secretary. The Secretary shall keep the minutes of the Council; see that all notices are given in accordance with the provisions of these Bylaws and comport to the Brown Act; be custodian of the Council's records; perform all other duties as requested by the President and/or the Council; and keep a register of the addresses (including electronic addresses, if applicable) and telephone numbers of each Representative. The Council shall appoint an Assistant Secretary who shall assist the Secretary with all duties and act in his or her absence.

~~ARTICLE IID.~~ Treasurer. The Treasurer shall be the custodian of the funds. The Treasurer shall cooperate fully with DONE in matters related to Certified Neighborhood Council funding, financial affairs and accounting procedures, and shall

allow DONE staff access to the accounting records. The Treasurer shall submit account statements to DONE no less than once and no more than twice during each fiscal year, the date(s) of which shall be prescribed by DONE, and accounting statements shall be submitted to DONE at least once and no more than twice per year, the dates to be determined by DONE.. If ENC receives grant funding or other funds, the Treasurer shall submit separate accounting statements describing the use of such funds, in a format and at intervals to be prescribed by DONE or other appropriate City agency or department.

The accounting concepts, measurement techniques, and standards of presentation used in the preparation of financial statements are commonly referred to as Generally Accepted Accounting Principles (" GAAP"). The financial reports shall include, but not be limited to, information regarding the amount appropriated (or the beginning balance for the subject quarter), additional receipts for the subject quarter, if any, the expenses paid during the reporting period, and the ending balance of the funds. Financial reports shall be received by DONE not later- than 90 days after the close of the reporting period.

The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and records of the Council's transactions. The books and records shall be open to inspection by anyone at all reasonable times.

~~D. Secretary. The Secretary shall keep the minutes of the Council; see that all notices are given in accordance with the provisions of these Bylaws and comport to the Brown Act; be custodian of the Council's records; perform all other duties as requested by the President and/or the Council; and keep a register of the addresses (including electronic addresses, if applicable) and telephone numbers of each Representative. The Council shall appoint an Assistant Secretary who shall assist the Secretary with all duties and act in his or her absence.~~

~~ARTICLE IV E. Sergeant at Arms.~~ The Sergeant at Arms shall ensure that the Council's meetings are undertaken in an orderly and expeditious manner, including the railing calling of proper authorities should a physical altercation seem to be ensuing. The Sergeant at Arms shall also be the timekeeper for the Council, ensuring that all speakers speak within the required timeframes.

F. Assistant Secretary. The Council may appoint an assistant. The assistant secretary, shall, in the absence or disability of the Secretary, perform the duties of the Secretary, except voting.

### Section 3: Election of Officers.

~~ARTICLE V A.~~ Election of Officers shall occur at the first regular meeting following the initial elections, and the annual elections. The voting shall be by open, written ballot. A majority vote of those voting shall be necessary for election.

~~ARTICLE V I B.~~ If there are more than two candidates for an office and none receives a majority vote on the first ballot, a run-off election shall be held immediately between the two candidates receiving the highest number of votes.

~~ARTICLE V I C.~~ At any meeting when the President is absent, the presiding officer for that meeting shall be the Vice-President and in the absence of both the President and Vice-

President, the presiding officer for that meeting shall be the ~~Secretary~~Treasurer, then ~~the Secretary~~ Treasurer, then the Sergeant at Arms.

ARTICLE VIII. In the event of a permanent vacancy in the office of both President and Vice- President a replacement President shall be elected by a majority of the Council Representatives voting. ~~In the event of a permanent vacancy, in the office of Vice-President, Secretary or Treasurer~~Secretary, a replacement officer for each vacant office ~~that~~ shall be elected by a majority of the Council Representatives voting. The replacement shall serve for the remainder of the term of the office being filled. The election of replacement officer(s) shall be conducted as provided in Sections 3A and 3B above at the next meeting of the Council following the permanent vacancy.

Section 4: Executive Committee. The Executive Committee shall consist of the officers of the Council. Two Representatives at large shall be appointed (on a rotating basis as much as possible) by the President (or presiding officer in the absence of the President) for each meeting of the Executive Committee ~~also attend~~ and be eligible to vote ~~at each regularly scheduled, monthly, Executive Committee meeting.~~ The President shall create a schedule of Representative assignments at the beginning of each year and update the assignments from time to time as necessary, including the designation by the President (or presiding officer in the absence of the President) of at large Representatives for any special meeting. The Executive Committee shall have the authority to set the agenda and scheduling for each Council meeting. The Executive Committee may also discuss and make recommendations to the Council akin to any other committee. Meetings of the Executive Committee may be called by the President, or presiding officer in the absence of the President or any two officers. A quorum for the Committee shall be a majority of the elected officers (excluding any office that is then permanently vacant) and two at large Representatives.

#### **Agenda Item 7. Amend Article X Grievance Procedures**

Motion by Lynn Klein, second by Diane Rosen to adopt the following new Article XIII; the motion passed; the vote was 5 Yes, 1 No, 0 Abstentions.

#### ARTICLE X GRIEVANCE PROCEDURES

Any grievance by a Stakeholder must be submitted in writing to the Council. The Council shall then refer the matter to an ad hoc grievance panel comprised of five (5) ~~Stakeholders~~persons who live or work in the South Valley Planning Area who are randomly selected by the Council secretary from a list of ~~Stakeholders~~volunteers who have previously expressed an interest in serving from time-to-time on such a grievance panel. The Secretary will coordinate a time and a place for the panel to meet with the person(s) submitting a grievance and to discuss ways in which the dispute may be resolved.

Thereafter, a panel member shall prepare, within thirty (30) days, a written report to be forwarded by the Secretary of the Council outlining the panel's collective recommendations for resolving the grievance. Alternatively, an alternative dispute resolution process may be used. The Council may receive a copy of the panels report and recommendations prior to any meeting by the Council, but the matter shall not be discussed among the Council members until the matter is heard at the next regular meeting of the Council pursuant to the Ralph M. Brown Act. This formal grievance process is not intended to apply to Stakeholders who simply disagree with a position or action taken by the Council at one of its meetings. Those grievances can be aired at

Council meetings. This grievance process is intended to address matters involving procedural disputes, e.g., the Council's failure to comply with Council Rules or these Bylaws, or its failure to comply with the City's Charter, the Plan, local ordinances, and/or State and Federal law.

In the event that a grievance cannot be resolved through this grievance process, then the matter may be referred to the Department of Neighborhood Empowerment for consideration or dispute resolution in accordance with The Plan. The complaint always has the right to appeal to DONE.

**Agenda Item 8: Adopt New Standing Rule 13, Comment at first reading of bylaws.**

Motion by Gerald Silver, second by Lynn Klein to adopt the following new Standing Rule 13; the motion passed unanimously:

13. 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.

**Agenda Item 9: Adopt New Sanding Rule 14: Fees for copying.** There was extensive discussion about the scope of a rule to charge copying costs. The committee voted on whether or not there should be any per hour charge for actual time to do the copying. The amendment by Silver and Rosen to not charge failed the vote was 3 Yes and 3 No. A second amendment by Klein and Rosen to charge for actual time in excess of one-half hour passed, the vote was 5 Yes, 1 No, 0 Abstentions. The main motion made by Sherman Gamson and seconded by Lynn Klein as amended, passed; the vote was 5 Yes, 1 No, 0 Abstentions:

13. Copying Costs for Requests for Copies of Records. Requested copies of public records will be produced at a charge of One Dollar (\$1.00) per request, plus ten cents (\$.10) for each page, plus the actual costs of staff time in excess of the first thirty (30) minutes for retrieving and duplicating the document(s).

**Motion to Adjourn.** The meeting was adjourned at 8:20 P.M. without objection.

Respectively submitted,  
Joel M. Simon, Bylaws Committee Chair