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TELEPHONE: (213) 455-1360



ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
NEIGHBORHOOD EMPOWERMENT

334-B EAST SECOND STREET
LOS ANGELES, CA 90012

TELEPHONE: (213) 485-1360
TOLL-FREE: 3-1-1
FAX: (213) 485-4608
E-MAIL: dona@lacity.org

BONGHWAN (BH) KIM, MPA
GENERAL MANAGER

CLAUDIA M. DUNN
ASSISTANT GENERAL MANAGER

www.LACityNeighborhoods.com

May 6, 2009

Dear Atwater Village NC Board Members:

The Department of Neighborhood Empowerment received a "Neighborhood Council Application to Change or Adjust Bylaws" dated April 10, 2009, to amend the Atwater Village Neighborhood Council (AVNC) bylaws as submitted and signed by Board Members, Roberta Javier, Leonora Gershman Pitts and Bruce Fleenor.

It appears that the requested changes are consistent with applicable guidelines for Neighborhood Councils such as the Los Angeles City Charter, City Ordinances, and the Plan for a Citywide System of Neighborhood Councils at this time. The Department has further noted that the application contains all required documentation.

Therefore the "Neighborhood Council Application to Change or Adjust Bylaws" has been **approved**. The current AVNC certified and amended bylaws shall include the following numbering and language:

ARTICLE VII

Section I

Removal of an AVNC Board Member

A. Reasons for Removal – Board Members may be removed or replaced for the following reasons:

1. Absences: A board member shall be permitted a maximum of four absences at regular meetings per "Council Year" which begins with the first scheduled Council Meeting following the Board Member's election or appointment and continuing for the next eleven months thereafter. Upon the fifth absence, the Board Member may be removed from the Council. An absence is valid regardless of the reason for the absence and even if a meeting is not held because there was no quorum. The Board shall provide written notice to the Board Member who reaches four absences stating that the next absence may result in the removal of the Board member. Written notice can be by email or by first class registered mail to the Board Member's last known address.

2. Change or loss of Stakeholder Status: A Board Member who is no longer a stakeholder in Atwater Village shall be automatically removed as a Board Member. It is the responsibility of each Board Member to notify the Co-chairs of any change of stakeholder status within 30 days of such change.

3. Unlawful behavior: A Board Member may be removed for any and all behavior in violation of federal, state or local laws, including but not limited to :

- a. Embezzlement of NC Funds
 - b. Misappropriation of NC funds
 - c. Buying or selling votes in Board Member elections
 - d. Making or soliciting bribes for votes on particular issues
4. Violation of Bylaws and/or AVNC Code of Civility: A Board Member may be removed for violating the AVNC Bylaws or the AVNC Code of Civility.
5. Removal by AVNC Action: A Board Member may be removed by the submission of a written petition which:
 - a. Identifies the Board Member to be removed, and
 - b. Describes in detail the reason for removal, and
 - c. Includes the signatures of 100 stakeholders from the geographic area represented by the Board Member
6. Removal Procedures: Once a petition for removal of a Board Member has been received, the AVNC shall follow the removal procedures:
 - A. Meeting: Removal of a Board member shall be heard at a regular meeting. The proposed removal will be placed on the Agenda for consideration by the Board at the earliest general AVNC meeting. If the next general meeting is more than thirty days away, then a special meeting may be called no sooner than fifteen days in order to give notice to the Board Member. The proposed removal will be placed on the agenda for consideration by the AVNC at the special meeting.
 - B. Notice: The Board Member shall be given written notice of the proposed removal and the reasons for the proposed removal. Notice shall be sent by email or by first class registered mail to the Board Member's last known address a minimum of fourteen days prior to the AVNC meeting hearing the proposed removal.
 - C. Opportunity to be heard: The Board Member shall be given an opportunity to be heard, either orally or in writing. The hearing shall be held, or the written statement shall be considered, at the meeting where the proposed removal is agendized.
 - D. Decision: The Board shall decide whether or not the Board Member should be removed. Any removal of a Board Member pursuant to this subsection shall require an affirmative vote of two-thirds (2/3) of the Board Members present and voting. The Board Member being considered for removal shall not take part in the removal vote. If the vote is affirmative the position shall be determined vacant.
7. Reinstatement: The Board Member may seek reinstatement through the Grievance Procedure provided in the bylaws.
8. Counsel: The AVNC may consult with its legal counsel, the Offices of the City Attorney throughout this removal process

ARTICLE XII

Grievance Procedure

Any grievance by a Stakeholder must be submitted in writing to the Board of Governors. The Board of Governors shall then refer the matter within two weeks of the grievance receipt to an ad hoc grievance panel comprised of 5 Stakeholders who are randomly selected by the Council secretary from a list of Stakeholders 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. The panel should meet within four weeks of the grievance receipt.

Thereafter, a panel member shall promptly prepare a written report to be forwarded by the Secretary to the Board outlining the panel's collective recommendations for resolving the grievance, no later than two weeks after it has met with the person submitting the grievance. The Board of Governors may receive a copy of the panel's report and make recommendations prior to any meeting by the Board, but the matter shall not be discussed among the Board members until the matter is heard at the next regular meeting of the Board pursuant to the Ralph M. Brown Act. If the grievance remains unaddressed or unresolved 90 days after its initial receipt, the grievance dies without prejudice and/or must be re-filed.

Article VII, Election of the Board of Governors will require updating. Please be sure to complete the 2010 Neighborhood Council (NC) Election Procedures Stipulation Language Worksheet, which will suffice for all Election related bylaw amendments for the City Clerk's Office due by 5:00pm on June 1, 2009.

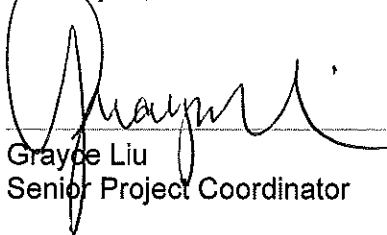
Please note that based on inclusion, revision, removal, or other such changes, including grammatical, renumbering and language clarification may have occurred to provide consistency throughout the bylaws document.

It is further noted that while the Department has reviewed the requested changes, there could be additional items within the bylaws that may need to be altered at a later time to be consistent with applicable policies.


The governing structure of the AVNC will now be based on these current and amended bylaws and AVNC is advised to begin use and distribution of these current certified and amended bylaws. In addition, the Department will keep a copy of said bylaws on file.

Should you have any questions, please contact your Neighborhood Empowerment Analyst, Sarai Molina who may be reached by phone at (213) 485-1360 or via email at Sarai.Molina@lacity.org, or toll-free by dialing 3-1-1.

Thank you,



Grayde Liu
Senior Project Coordinator



Sarai Molina
Neighborhood Empowerment Analyst

GL / SMT/ GL

Att: Atwater Village Neighborhood Council Bylaws

By e-mail

cc: Leyla Campos, Field Director, Department of Neighborhood Empowerment