

July 2, 2008

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RE: CHALLENGE TO MID CITY WEST COMMUNITY COUNCIL ELECTION

I am filing a challenge to the Election held on 7/1/08. The Mid City West Community Council improperly changed its bylaws to eliminate Established Residential Associations (ERA) from the Zone elections as well as staggered elections, without stakeholder approval at a duly noticed meeting (see below from MCWCC bylaws).

16. EFFECT OF THESE BY-LAWS; APPROVAL BY D.O.N.E.; AMENDMENT.
Amendments to these By-Laws may be proposed by any Stakeholder. Any such proposal shall be placed on the agenda of a regular or special meeting in accordance with these By-Laws.

A Notice of Proposed Adjustment of By-Laws shall be submitted to DONE along with a copy of the existing By-Laws for review and approval by the Department in accordance with Article V(3) of the Plan for Neighborhood Councils. Amendments shall be subject to approval by DONE pursuant to the Plan. Following DONE approval, all amendments to these By-Laws shall be subject to approval of two-thirds of the Stakeholders present at a duly noticed public meeting.

A Public Records Act request revealed that the first attempt to amend the by-laws took place at a Stakeholder meeting on March 11, 2008 at 543 N. Fairfax. Minutes from that meeting reveal that a board member raised 3 issues with the meeting. 1) Stakeholders should be notified in order to be able to participate 2) The type of notification given was not in the spirit of the bylaws 3) No 60 day notice was given. It was suggested that the meeting be put off and properly notified. After a discussion a motion was brought and seconded to table the election for bylaws changes until the next month. A second was heard, a voted taken (14 in favor, 6 opposed and 5 abstaining) and the election was tabled.

On Tuesday April 8, 2008, at 7 pm another stakeholder meeting was held. 4 amendments to the bylaws were voted on and passed. No notice of any kind was posted anywhere within the MCWCC boundary, none placed on the ENC system or filed in any local paper. As a result 18 persons voted in the Special Election, all board members. Not one stakeholder other than board

members showed up to vote. Aside from the Bylaws violation (see below, 3. NOTICE OF MEETINGS.) this total lack of outreach must be condemned and investigated by DONE and/or BONC.

3. NOTICE OF MEETINGS. Except as noted below, notice of the date, time, and proposed agenda for all meetings shall be communicated at least Five (5) days prior to the meeting by a method or methods reasonably calculated to reach the Stakeholders and the public, where applicable. Such methods shall include, at a minimum: (1) publication in a local print publication of broad distribution in the area, (2) posting on the Early Notification (ENS) system, and (3) posting at no less than Five (5) public locations within the boundaries of the MCWCC.

Provided: (1) Annual Stakeholder meetings shall be publicized beginning at least 60 (Sixty) days in advance; (2) Emergency meetings shall be exempt from the Five day notice requirement, as discussed below under EMERGENCY MEETINGS, to the extent not in conflict with the Brown Act.

Since there was no proper notification to stakeholders, there could not be a stakeholder meeting and the bylaws must revert back to what existed prior to these amendments being voted on. That would invalidate the Zone Elections. The amendments were:

- 1) Zone representation. To open up seats to any resident of that zone, not only members of residential Associations.
- 2) Terms of membership on the Board. Prior to this change the elections were held every year. The bylaws change was to have the election every two years and eliminate staggered elections.
- 3) Amending the bylaws to allow non board members (up to 25%) to serve on committee's.
- 4) To establish a timeframe for adopting bylaws amendments and responsibility of organizing the stakeholder meeting to adopt such changes and to clarify that 2/3 approval of those voting (not merely registering to vote at the election) for a particular amendment is the minimum required for adoption.

Given that the stakeholder meeting was not attended by anyone other than board members, that absolutely no notice of any kind was given to the public this meeting was in violation of the MCWCC bylaws, the Brown Act and the spirit of the Citywide plan. Therefore I contend that none of these changes are valid nor was this election, at least where it applies to Zone reps and the staggered terms.

I will provide a copy of the reply to my PRA request, copies of the sign in sheet for the Stakeholder meeting, ballots, agendas, minutes of the March 11, 2008 and April 8, 2008 Stakeholder meeting. Please let me know if I may fax them to you.

Sincerely:

James O'Sullivan