

ORDINANCE NO. 186310

An ordinance amending Section 22.820 of the Los Angeles Administrative Code establishing a revised procedure to create a certified Neighborhood Council within the boundaries of one or more existing certified Neighborhood Councils.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 22.820 of the Los Angeles Administrative Code is amended in its entirety to read as follows:

Sec. 22.820. Neighborhood Council Subdivision.

(a) **Subdivision Petition.** Subject to the restrictions set forth in Subsection (b) of this section, stakeholders within an existing certified Neighborhood Council who desire to form a separate certified Neighborhood Council within the boundaries of one or more existing certified Neighborhood Councils shall submit a subdivision petition to the Department of Neighborhood Empowerment (Department) on a form approved by the Department. The subdivision petition shall include:

(1) A list of five stakeholders from the boundaries of the proposed subdivided area who are authorized to receive notice and make decisions regarding the subdivision petition, including any bylaw changes. This group of five stakeholders shall be known as the "Subdivision Formation Committee."

(2) A detailed description of proposed boundaries, including the rationale for drawing the proposed boundaries. The proposed set of boundaries shall, to the maximum extent feasible, follow historic and contemporary community and neighborhood borders, and shall utilize natural boundaries or street lines and be geographically compact and contiguous. The subdivision petition may propose boundaries that are within one or more existing certified Neighborhood Councils. The proposed boundaries may not overlap with another Certified Neighborhood Council, unless the proposed overlap area is designed for a public use, such as a park, school, police or fire station, major thoroughfare, or contains a landmark or facility with historical significance, in which case the proposed overlap area may be shared by one or more certified Neighborhood Councils.

(3) Data from the latest American Community Survey of the United States Census demonstrating that the proposed boundaries encompass at least 10,000 residents.

(4) A minimum of 500 signatures from stakeholders within the proposed boundaries. Signatures shall, to the maximum extent feasible, reflect the broadest array of stakeholders within the proposed boundaries in order to

demonstrate a good faith effort towards achieving a diversity of stakeholder representation. The subdivision petition shall describe in detail the outreach process that was used to identify stakeholders within the proposed boundaries.

(5) A set of proposed Bylaws that meets the requirements set forth in Article III, Section (2), Subsection (c) of the Plan for a Citywide System of Neighborhood Councils (Plan).

(b) **Petition Restrictions.** The Department shall begin accepting subdivision petitions in the year 2022. Thereafter, the Department shall accept subdivision petitions once every four years. The Department shall not accept a subdivision petition if:

(1) The proposed boundaries encompass more than 50 percent of residents of any existing certified Neighborhood Council, based on the latest data available from the American Community Survey of the United States Census.

(2) Any part of the proposed boundaries fall within a certified Neighborhood Council in which a subdivision election, regardless of outcome, occurred within the prior eight years.

(c) **Limitations on Number of Subdivision Petitions.** Once the Department reviews a subdivision petition and deems it in compliance with Subdivision (a), the Department shall certify the subdivision petition as complete. The Department shall process no more than three complete subdivision petitions for any subdivision election every four years. If the Department receives more than three complete subdivision petitions, the Department shall process the three subdivision petitions with the largest number of residents in the proposed subdivided area, based on the latest data available from the American Community Survey of the United States Census.

(d) **Mandatory Mediation.** Upon the Department's processing of a complete subdivision petition, the Department shall organize and moderate at least one mediation session between the Subdivision Formation Committee and representatives from any existing certified Neighborhood Councils that are subject to subdivision. The purpose of the mediation shall be to encourage the existing Neighborhood Councils and the Subdivision Formation Committee to seek agreed upon terms in an attempt to avoid subdivision. If a mediated agreement cannot be achieved, or if an existing certified Neighborhood Council subject to subdivision refuses to participate in the mediation, the Department's General Manager or his or her designee shall approve the subdivision petition. If the Subdivision Formation Committee refuses to participate in the mediation, the Department's General Manager or his or her designee shall deny the subdivision petition. If the Department approves the subdivision petition, the Department shall follow the procedures for notification and review as set forth in Subsections (e) and (f) of this Section. The Department's decision to deny a subdivision petition under this Subsection shall be final.

(e) **Notice of Subdivision Petition.** Once the Department approves a subdivision petition, the Department shall notify all certified Neighborhood Councils within the areas subject to the proposed subdivision. Written notice by First Class Mail shall be given to all board members of any certified Neighborhood Councils subject to subdivision and shall include a copy of the subdivision petition and any subsequent amendments. The Department shall post a copy of the subdivision petition and any subsequent amendments on its website. The Department shall hold informational town hall meetings in both the proposed subdivision area and within the boundaries of any certified Neighborhood Councils subject to subdivision in an area outside the proposed subdivided area.

(f) **Review by Board of Neighborhood Commissioners.** Within 90 days after the final approval of a subdivision petition, the Department shall forward the approved subdivision petition and proposed bylaws for the proposed neighborhood councils to the Board of Neighborhood Commissioners (the Commission). Within 30 days after receiving a subdivision petition and proposed bylaws, the Commission shall schedule a hearing in the proposed subdivision area to approve or reject the subdivision petition. At the hearing, the Commission shall make findings to ensure that the proposed subdivision complies with all applicable provisions of the City Charter (Charter), the Los Angeles Administrative Code (LAAC), and the Plan. The Commission is authorized to make amendments to the proposed bylaws and boundaries to ensure compliance with all applicable provisions of the Charter, the LAAC and the Plan, and to preserve the integrity of the certified Neighborhood Council or Neighborhood Councils affected by the subdivision. With concurrence from the Subdivision Formation Committee, the Commission may defer its decision on a subdivision petition until its next regularly scheduled meeting in order to receive additional information on a matter brought to its attention during the hearing or to allow for more time to consider the subdivision petition. If the Commission approves the subdivision petition, the subdivision will proceed to an election as set forth in Subsection (g) of this section.

(g) **Election Approving a Subdivision.** Subject to the restrictions set forth in Subsection (h), within 90 days of the Commission's approval of a subdivision petition, the Department or the City Clerk shall conduct an election to approve or reject the subdivision petition. The subdivision election shall occur within the boundaries of the existing certified Neighborhood Council or Neighborhood Councils. To be approved, a majority of ballots from the entire certified Neighborhood Council or Neighborhood Councils proposed for subdivision and a majority of ballots from the proposed subdivided area must be cast in favor of the subdivision. If approved, the Department shall forward the subdivision election results to the Commission for certification of the subdivided area as a new Neighborhood Council.

(h) **Subdivision Election Restrictions.** All subdivision elections shall be subject to the follow restrictions:

- (1) No subdivision election shall be held until the year 2022.

(2) Subdivision elections in the City shall be held no more frequently than once every four years.

(3) No more than three subdivision petitions may proceed to a subdivision election every four years.

(i) **Certification of Newly Formed Neighborhood Council.** Upon certification by the Commission, the Neighborhood Council listed in the subdivision petition shall be deemed a certified Neighborhood Council within the City of Los Angeles. The Subdivision Formation Committee identified in the subdivision petition shall be authorized to work with the Department to hold an election or selection of the newly certified Neighborhood Council's governing board.

(j) **Revised Bylaws for Subdivided Neighborhood Council.** The certified Neighborhood Council or Neighborhood Councils after subdivision are not required to recertify, but are required to amend their bylaws to reflect any boundary changes and any board structure changes, if applicable, within 60 days of certification of the newly formed Neighborhood Council. If the subdivided certified Neighborhood Council or Neighborhood Councils fail to provide amended bylaws within 60 days of certification of the newly formed Neighborhood Council, the Department is authorized to amend the bylaws to reflect any changes to the boundaries or board structure for the subdivided certified Neighborhood Council or Neighborhood Councils. The Department shall forward the bylaws for the subdivided certified Neighborhood Council or Neighborhood Councils to the Commission for approval of the amended bylaws. The Commission is authorized to make any amendments to the bylaws to satisfy the requirements set forth in Article III, Section (2), Subsection (c) of the Plan.

(k) **Regulations.** The Department and the City Clerk are authorized to promulgate any further procedure, rule or regulation necessary for the administration of the subdivision process contained in this section, including, but not limited to, developing a procedure and schedule for accepting subdivision petitions, conducting the election for subdivision, holding the initial election or selection for the subdivided Neighborhood Council's governing board, and eligibility for voting at any subdivision election.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
ELISE RUDEN
Deputy City Attorney

Date 7/23/19

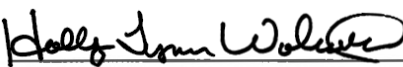
File Nos. 12-1681-S1 and 12-1681-S3

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR





Ordinance Passed 09/03/2019

Approved 09/09/2019

Ordinance Effective Date: 10/21/2019
Council File No.: 12-1681-S1, 12-1681-S3

DECLARATION OF POSTING ORDINANCE

I, **Ottavia Smith** state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. **186310** - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **09/03/2019**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, I conspicuously posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records beginning on **09/10/2019** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.



Deputy Clerk

Date: 09/10/2019

Ordinance Effective Date: 10/21/2019

Council File No.: 12-1681-S1, 12-1681-S3