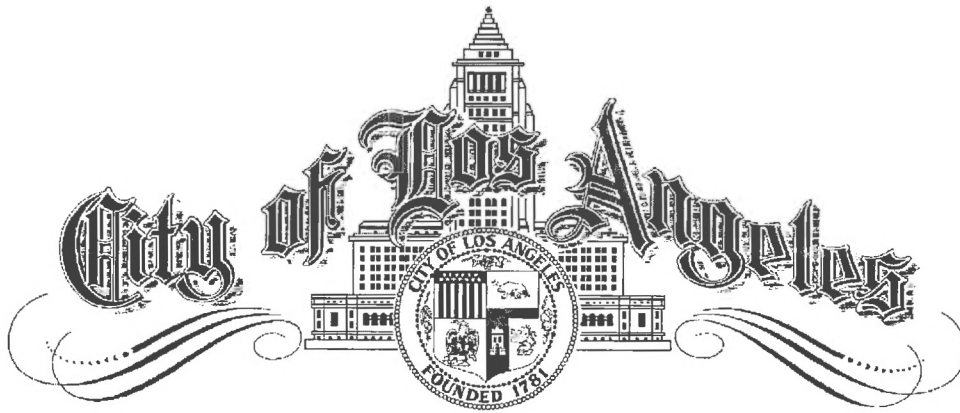




MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. **R 19 - 0 2 3 2**
JUL 26 2019

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 22.820 OF THE LOS ANGELES
ADMINISTRATIVE CODE TO ESTABLISH A REVISED PROCEDURE TO CREATE A
CERTIFIED NEIGHBORHOOD COUNCIL WITHIN THE BOUNDARIES OF ONE OR
MORE EXISTING CERTIFIED NEIGHBORHOOD COUNCILS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

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

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance amends Section 22.820 of the Los Angeles Administrative Code (LAAC) to revise the procedure for stakeholders to create a certified Neighborhood Council within the boundaries of one or more existing certified Neighborhood Councils, otherwise known as Neighborhood Council Subdivision. Although the City Council's request references Section 22.819, Section 22.820 addresses the procedures for Neighborhood Council Subdivision.

The City Council requested that the draft ordinance limit subdivision elections to occur no more than once every four years beginning in the year 2022. The direction also referenced the term "subdivision election cycle" while requesting limits on the frequency of subdivision elections, but did not define the term "subdivision election cycle." To clarify any ambiguity, we included language specifying that the subdivision process shall occur every four years beginning in the year 2022. We also included

language specifying that a subdivision election cannot reoccur within eight years of a prior subdivision election.

The City Council also requested that the draft ordinance require the Board of Neighborhood Commissioners (the Commission) to hold a hearing to approve or deny a subdivision petition prior to a subdivision election. The City Council did not specify the procedure if the Commission requires changes to a subdivision petition at the hearing. We have inserted language modeled after the existing procedure for certification of a new Neighborhood Council as set forth in Article IV, Section 6 of the Plan for a Citywide System of Neighborhood Councils (Plan), which allows the Commission to defer its decision until its next regularly scheduled meeting in order to receive additional information or to allow for more time to consider a subdivision petition.

The City Council also requested that the draft ordinance require that a Subdivision Formation Committee and an existing certified Neighborhood Council subject to subdivision engage in at least one mediation session as a precondition to the Commission's consideration of a subdivision petition. The draft ordinance includes language specifying that if a Subdivision Formation Committee refuses to participate in at least one mediation session, the Department of Neighborhood Empowerment (the Department) shall deny a subdivision petition. The City Council also requested that the draft ordinance include the Commission and City Council representatives in the mandatory mediation. However, because the Commission is a quasi-judicial body and decision-maker in the subdivision process and the City Council may hear an appeal, we have omitted their participation to avoid conflict of interest concerns.

The City Council's ordinance request did not specify a procedure for a newly certified Neighborhood Council to elect or select its initial governing board after subdivision. We have included language from the existing LAAC Section 22.820, Subsection (d), which requires a Subdivision Formation Committee to work with the Department to elect or select the initial governing board. The language also clarifies that the subdivided certified Neighborhood Councils are not required to recertify after a subdivision occurs.

The City Council's ordinance request also refers to a "subdivision formation committee," which is not currently defined in LAAC section 22.820. In drafting the amendments to Section 22.820, we added a definition for this term.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Neighborhood Empowerment and the City Clerk with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Elise Ruden at (213) 978-8130. She or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:ER:ac
Transmittal