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December 5, 2023

Honorable Chairmember Eunisses Hernandez
Members of the Neighborhoods and Community Enrichment Committee
c/o Office of the City Clerk
Room 395, City Hall
Los Angeles, CA 90012

SUBJECT: REPORT REGARDING COUNCIL FILE NO. 23-1113
(SOTO-MARTINEZ/HUTT): Neighborhood Council Meetings/EmpowerLA Virtual
Governance (EVG) Support

BACKGROUND

On November 1, 2023, the Los Angeles City Council (“City Council”) instructed “the Department of Neighborhood Empowerment to report back in 30 days on what technology, support and other resources are needed to provide Neighborhood Councils with the ability to meet virtually through the end of Fiscal Year 2024-2025” ([Council File 23-1113](#)). The following report will highlight the work the Department has been doing to support Neighborhood Councils during the pandemic when meetings were fully virtual. Moreover, it will cover the additional support provided by the Department during the transition back to in-person meetings under the [AB 2449](#) (Rubio) amended Brown Act, which was signed by the Governor on September 13, 2022, and where Neighborhood Councils could choose to meet with limited teleconferencing.

Recently, [SB 411](#) (Portantino) was passed by the State legislature and signed by the Governor on October 8, 2023. It was on November 1, 2023, where the City Council voted to adopt a [Resolution](#), where Neighborhood Councils would be able to use teleconferencing per [California Government Code Section 54953.8](#) ([Council File](#)

[23-1114](#)). The Department of Neighborhood Empowerment (“Department”) will show what organization and technical support exists and what might be needed to best address this additional meeting option for Neighborhood Councils.

To simplify, the Brown Act meeting options that are now available to Neighborhood Councils after City Council voted on [Council File 23-1114](#) and passed [SB 411](#) (Portantino) as an additional meeting option for Neighborhood Councils, are the following:

1. FULLY IN-PERSON

- a. The Neighborhood Council (“NC”) Board could meet in-person with no teleconferencing option for its Board Members or the public.
- b. The NC Board does not need to take any further action for this meeting option.

2. LIMITED TELECONFERENCING ([AB 2449](#) (Rubio))

- a. A quorum of the NC Board must meet in-person, with NC Board Members limited in using teleconferencing as an option for remote participation and the public is able to participate either in-person or remotely without restriction.
- b. The NC Board must vote to “elect” this meeting option by simple majority.
- c. Meeting option will continue to be “operative” after January 1, 2026.

3. EXPANDED TELECONFERENCING ([SB 411](#) (Portantino))

- a. The NC Board could meet virtually, but must meet in-person at least once per year within their boundaries.
- b. The NC Board must vote to choose this meeting option with two-thirds ($\frac{2}{3}$) of the total Board seats.
- c. This meeting option will sunset on January 1, 2026, barring any future legislative changes to the California Brown Act.

FISCAL IMPACT

Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report. It would be necessary to assess the increased staff cost associated with a variable governance system where each NC determines its governance model.

DEPARTMENT’S VIRTUAL MEETING SUPPORT DURING COVID

The Neighborhood Council System (“System”) was designed to increase local participation in the City government. Where NC Board members are elected, selected, or appointed volunteers and the City Charter assigns oversight responsibilities to the Department. NCs are “eligible” legislative bodies who administer their meetings under the [Ralph M. Brown Act](#) (1953) (“Brown Act”) requirements. Once an NC is certified within the System, the burden of Brown Act compliance becomes the individual NC’s

responsibility.

It was in the creation of the System, [Los Angeles City Charter, Article IX](#), the challenges the Brown Act posed NCs were not fully considered or resolved. One consequence is that the System evolved into an inequitable system in several ways. This was further highlighted during the Covid Pandemic, where the System's governance model moved from a 100% in-person meeting system to a 100% fully virtual meeting governance system. Here, the Brown Act was partially suspended during the pandemic (State and City Declarations of Emergency, [AB 361](#) (Rivas)). In response, the Department developed meeting protocols and Zoom settings tailored to Brown Act's requirements and Zoom functionality.

During this State of Emergency, the Department adapted its resources and offered training as well as technical support to NCs who used the Zoom license(s) under the Department's Zoom account to ensure that Brown Act requirements were met. The choice the Department made to only provide technical support to NC Boards who chose to use the Department Zoom account was due to the staffing and financial constraints the Department had to consider in supporting 99 NCs and their Committee meetings.

However, during the pandemic there were a few NCs who struggled to hold virtual meetings due to external infrastructure inequities mounted by various socio-economic and personal challenges specific Board members had during this pandemic (i.e. digital divide, cost of personal technologies, and mental/emotional exhaustion due to personal matters). For example, the Department worked to ensure those NCs challenged by weak or non-existing internet connection due to their location's internet infrastructure, were provided additional support in holding virtual meetings by having their Neighborhood Empowerment Advocate ("NEA") host their meetings so that if internet access was interrupted it would not stop the meeting. The Zoom account also provided the option for NC Board members and members of the public to access the meetings by calling a toll-free number that the Department worked with Zoom to enable.

TRANSITION TO IN-PERSON AND LIMITED TELECONFERENCE MEETINGS

In response to hearing the challenges some NC Boards had with holding virtual meetings, the Board of Neighborhood Commissioners ("BONC") with support from the Department, fostered an EVG-h Workgroup of NC leaders (formed in 2021) to explore the best method for administering a hybrid governance system. This evaluation of the System was made before [AB 2449](#) (Rubio) was created and considered in how NCs would be impacted by the Brown Act.

Additionally, the Department partnered with Cal State LA's Social Equity Engagement geo-Data (SEED) Scholars program to survey Neighborhood Council leaders about how personally and organizationally prepared they were to return to in-person or limited teleconference meetings. This dashboard shares the results of the [EmpowerLA](#)

[Readiness Survey](#) and an [ArcGIS Storymap](#) that highlights which NC Boards were able to transition to a virtual meeting at the start of the pandemic.

Here, the Department's Report to the City Council Neighborhoods and Community Enrichment Committee on January 27, 2023, included the EVG-h Workgroup's Report on a possible Pilot Program to slowly transition NC's into a limited in-person meeting option ([Council File 22-1070](#)). This proposed pilot program would have allowed the Department to assess how the [AB 2449](#) (Rubio) changes to the Brown Act could be implemented with a select number of NCs and evaluate the results. However, in February 2023, the City Council and the Governor of California took action lifting the State of Emergency, making [AB 361](#) (Rivas) no longer applicable to the Brown Act, but leaving NC Board's with two meeting options: 1) to meet fully in-person or 2) hold limited teleconferencing meetings under [AB 2449](#) (Rubio).

OPTION 1: FULLY IN-PERSON MEETING OPTION

This meeting option allows NCs to only meet in person, where they elect to forgo the use of teleconferencing as an option for their Board members or the public in accessing the meeting. Here, securing the physical meeting location would be necessary. Additionally, the NC would need to consider how they would utilize the meeting space to conduct an orderly Board meeting and its requirements for bringing copies of the agenda and supplemental materials. The NC would also need to consider that the physical meeting location would have accessible parking; language interpreters available to the public; seating space requirements due to COVID risks; and the option of food and/or refreshments if permitted within the meeting space. These meeting concerns would also be compounded by the City's vaccination requirements for City employees and volunteers that also apply to NC Board Members, at this time.

In supporting the NC Board's choice to transition to fully in-person meetings, the Department worked with the Office of the City Clerk's Funding Division, the Office of the City Attorney's Neighborhood Council Advice Division ("NCAD"), and the Department of Disability, to coordinate the evaluation of the NC's meeting location so that it would adhere to the Brown Act requirements of being accessible to all persons and comply with the Americans with Disabilities Act ("ADA"). This ADA compliance requirement was in progress during this transitional period from virtual meetings to in-person meetings. It is through this coordinated effort by all Departments previously mentioned, the NC meeting locations were properly evaluated to hold meetings in person.

The only requirement for this meeting option is to follow the Brown Act, City Charter, BONC policies, and other associated policies and procedures by the Department. Additionally, the agenda would only need to have the physical meeting location for the Board and public to attend.

OPTION 2: LIMITED TELECONFERENCING MEETING OPTION

As for this second meeting option for NC's, the amendment to the Brown Act by [AB 2449](#) (Rubio) enables legislative bodies to hold their meetings with limited teleconferencing. Where at least a quorum of the Board members of the legislative body, in case the NC, must participate in person from a singular physical location identified on the agenda that is within their boundaries and open to the public. Moreover, Board members of the NC may only participate remotely by teleconferencing a limited number of meetings in a calendar year (i.e. three times maximum). The reason to teleconference is restricted in providing a "just cause" reason or if approved by the legislative body, an "emergency circumstance". This limited teleconferencing option for NC's was detailed in the Department's past report to [Council File 22-1070](#), and provided three possible meeting permutations or sub-options within this specific meeting choice that would abide by the restrictions it imposes on the NC.

First, the NC Board could only allow for the Board members to attend in-person meetings, and allow the public to attend either in person or via teleconferencing. This sub-option would eliminate the Board member's ability to attend meetings remotely. It is important to note that the public is not limited in options of participating in the meeting, the restrictions are imposed on the Board and the Board members of the NC.

Second, the Board may elect to have both the Board members and the public to participate in-person and teleconference meetings. In this sub-option the only limitation would be on the Board members who participate remotely in a calendar year. Again, this option still offers the public the flexibility to participate in person or remotely.

Third, is for the Board to be in-person with remote public comment locations (and viewing) for the public via satellite locations. The Brown Act allows for limited use of remote meeting engagement and enables the NC Board to arrange for the public to participate from a broadcasted alternate meeting location within the NC's boundaries. Members of the public may address the Board from that alternate location. Though this option does not allow the Board Members to attend remotely, the Board would need to maintain a quorum in-person at a primary physical location where the meeting is being held.

NEWLY INTRODUCED NEIGHBORHOOD COUNCIL MEETING OPTION ([SB 411](#) (Portantino))

On October 6, 2023, Governor Newsom signed SB411, permitting NC's to conduct virtual meetings. The next step involved the City Council approving a motion to authorize all 99 NCs to engage in virtual meetings. This motion was approved by City Council on November 1, 2023. To utilize SB411, NC's require two-thirds approval from the total number of board seats to use teleconferencing. The NC must provide justification to the City Council, which holds the authority to disallow teleconferencing

even after notification is given. During teleconferencing, a quorum of NC members should participate within NC boundaries. Additionally, at least once a year, a quorum of members must participate in person from a public location within the NC boundaries.

CONTINUED VIRTUAL MEETING SUPPORT

The Department of Neighborhood Empowerment has identified that each license for Zoom costs approximately \$220. The Department covered this expense in its budget for the fiscal years 2020-2021 through 2023-2024. However, starting from the fiscal year 2024-2025, NCs are requested to allocate funds in their respective budgets to cover the expenses associated with Zoom licenses. We believe that allocating \$220 is a reasonable cost for Neighborhood Councils (NCs) to include in their budget's operations line item. Each additional license will cost an extra \$220.

The Department is currently examining additional challenges, including issues related to Wi-Fi disparity and translation inequality (particularly for phone-based participation). Simultaneously, there is an opportunity to enhance public and board participation. The resource cost for these items is still yet to be determined.

During this period, the Department is available to offer technical assistance to any NCs opting for virtual meetings. The Department has offered support to NCs interested in hosting virtual meetings. NCs are requested to submit their board vote through a Community Impact Statement (CIS) to CF 23-1114, ensuring that the City Council is informed of their board's decision. Sample agenda templates and a FAQ sheet have been provided to address questions. The Department is committed to providing ongoing virtual meeting support for NCs that choose to conduct virtual meetings.

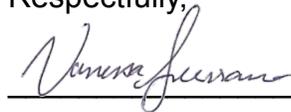
CONCLUSION

The Department is experienced and can facilitate and support the seamless transition of NC's to virtual meetings. Drawing on our invaluable experience during the pandemic, where NC's successfully conducted virtual meetings, we have gained insights into the challenges and requirements of virtual interactions. Notably, the Department possesses the technical expertise necessary to offer guidance, particularly in utilizing Zoom, ensuring that NC's can effectively navigate the virtual landscape. This report underscores our commitment to empowering NC's with the tools and support needed to adapt to evolving circumstances, fostering continued collaboration and engagement within our communities.

COMMUNITY IMPACT STATEMENTS

Statements were filed by: **Bel Air-Beverly Crest Neighborhood Council** (FOR - 10/30/2023); **Empowerment Congress Southeast Area Neighborhood Council** (NEUTRAL - 10/31/2023); **North Westwood Neighborhood Council** (FOR - 11/01/2023); **Rampart Village Neighborhood Council** (FOR - 10/19/2023); **Reseda Neighborhood Council** (FOR - 10/21/2023); **Sherman Oaks Neighborhood Council** (FOR - 10/18/2023); **Sunland-Tujunga Neighborhood Council** (FOR - 11/08/2023); **Silver Lake Neighborhood Council** (FOR - 11/01/2023); **West LA - Sawtelle Neighborhood Council** (FOR - 10/25/2023); and **Wilmington Neighborhood Council** (FOR - 11/14/2023). (As of the date of this Report.)

Respectfully,

A handwritten signature in cursive script, appearing to read "Vanessa Serrano", is written over a horizontal line.

**Vanessa Serrano, Interim General Manager
Department of Neighborhood Empowerment**