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GRAYCE LIU
GENERAL MANAGER

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March 7, 2013

VIA EMAIL

Downtown Los Angeles Neighborhood Council
P. O. Box 13096
Los Angeles, CA 90013

**RE: DOWNTOWN LOS ANGELES NEIGHBORHOOD COUNCIL (DLANC) –
SPECIAL ELECTION COMPLAINT**

Dear Downtown Los Angeles Neighborhood Council (DLANC) Board Members,

On February 13, 2013, the Department of Neighborhood Empowerment (Department) received a complaint challenging the special election conducted by DLANC on February 11, 2013, from 5:00 p.m. to 7:15 p.m. The special election was conducted to fill four vacancies on DLANC's board. The complaint alleges that the special election was improper because 1) "DLANC board did not approve unprecedented Special Election changes," 2) "The Elections were not held in a clear and transparent manner," and 3) "There were changes to qualifications to run for Business interest seats". Although the complaint was previously sent to your board on February 28, 2013, an additional copy of the complaint is attached hereto for your review.

Under article 6, section 4 of the Plan for a Citywide System of Neighborhood Councils (the Plan), the Department is authorized to take all exhaustive steps necessary in order to resolve a complaint. In situations where the complaint also involves a violation of the Plan, then the Neighborhood Council may be decertified. In reviewing the complaint, the Department has consulted with the Office of the City Attorney and reviewed DLANC's currently approved bylaws. In addition, the Department previously asked the board's leadership for evidence and information in order to investigate the claims made in the complaint. The following documents and information were requested:

- 1) Copies of ballots distributed at the special election.
- 2) Copies of sign in sheets at the election to cross reference ballots to corresponding individuals, since DLANC's bylaws call for a "town hall" style election with no secret ballot.

- 3) Agenda(s) demonstrating that the board, at a regular board meeting, placed the matter of the February 11, 2013, special election on the agenda for discussion and action and followed the proper posting requirements per the Brown Act.
- 4) Minutes confirming discussion and vote by the general board on holding a special election on February 11, 2013, and discussion of the process to be followed for the special election by the general board.

In addition, the Department reviewed the special election information on DLANC's Web site (dlanc.com) that would have been readily available to the public and anyone interested in filling a vacancy.

After evaluating all of the pertinent information related to the special election to fill vacancies, the Department finds that the challenge submitted is upheld based on the following:

The Department finds that the board as a body failed to agree to the dates time or process for conducting the special election. There is no evidence supporting the proper posting, notification and discussion and action by the entire board on the matter of the special election. While there is information that this matter was discussed by the Executive Committee, the board may not delegate its authority to make decisions on matters affecting the entire Neighborhood Council to one person and/or a committee. Persons and committees may make recommendations to the board, but ultimately the board is the entity responsible to make decisions on behalf of the Neighborhood Council. (*Plan, art. III, §2(c)(ii)(2) and Plan, art. III, §2(c)(iii)(4)(b).*)

In addition, the Department reviewed the process by which the special election was conducted and found it to lack clarity and consistency. Neighborhood Councils are required to remain open and transparent in their procedures. (*Plan, art. II, § 3.*) In reviewing DLANC's election process, the Department found inconsistent information on the Web site regarding dates, submittal of forms and the overall process for people interested in filling a vacancy. For example, the document named "Adjustments to NC 2012 Election manual procedures" found on DLANC's Web site mentions "secret ballot" for this election, yet DLANC's bylaws do not allow for a special election with secret ballot given that only the Department and the City Clerk are the entities with the authority to conduct elections.

Department staff observed, first hand, and received concerns from stakeholders that the polling place on the day of the special election was not as accessible to the general public as it should have been. There was no signage, directions to the location, signs pointing to the elevator for those using wheelchairs, etc., and most of the directions and updates to the information were found on the Web site, which is problematic for those individuals without electronic access.

Thus, in order to take the necessary steps to remedy the complaint submitted regarding the special election, the Department finds that the complaint is valid. The Department determines that the filling of the vacant seats at the special election is invalid. In

addition, DLANC will be required to set aside and re-conduct the special election. DLANC will be required to work closely with the Department to craft, review and approve a selection process that meets the requirements of DLANC's bylaws and the Plan.

Please be reminded that the Plan calls for open and transparent operations by Neighborhood Councils while stressing the importance of civic engagement through an environment of inclusivity and non-discrimination. The Department will aim to ensure that your selection process meets the spirit of the Plan and in so doing, assures that your process will be respected and upheld by your stakeholders.

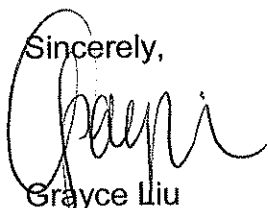
Please work with Mr. Barry Stone, Neighborhood Empowerment Advocate, as he is ready to assist you during this process. As additional aid and support to DLANC, we have officially assigned Mr. Jay Handal, a volunteer member of our Councils for Councils Program (C4C) to provide a more "on the ground" assistance and work collaboratively with your board in moving forward so that you may be successful in your endeavors.

Our C4C members work under the direction and guidance of staff, so please be sure to involve Mr. Stone as well as Mr. Handal on any issues that you feel need attention.

Lastly, the Department is committed to your success and wants to make sure that we support your efforts while upholding the most basic and vital principles of the system so that you can provide a voice to all stakeholders of your community.

Should you have any questions, please contact Barry Stone at (213) 978-1482 or via e-mail at barry.stone@lacity.org

Sincerely,



Grayce Liu
General Manager

Attachment

c: Leyla Campos, Director of Field Operations
Barry Stone, Neighborhood Empowerment Advocate
Darren Martinez, Deputy City Attorney
Dee Olomajeye, Chair, Councils for Councils
Jay Handal, Member, Councils for Councils

Official Challenge to the DLANC Special Election

First Challenge:

DLANC Board did not approve unrepresented Sp. Election Changes

Section 4.a.b. - Executive Committee. ...The Executive Committee shall consider and recommend to the Board the location of Council offices, administrative policies and procedures for the conduct of the Council's business; the hiring and termination of employees and consultants...

The Executive does not have legal authority to make changes to the election qualifications but only recommend changes to the board.

Such changes include approving outdated 2010 election qualification documents specifically the city clerk's acceptable forms of documentation.

Second Challenge:

The Elections were not held in a clear and transparent manner.

The elections were held in the GENSLAR CONFERENCE ROOM located in the basement of 505 S Flower Street. This location is clearly out of public view and discourages voter participation.

Patti Berman publicly stated at the January Board Meeting on 1/8/13 that the sp. election details would be published in the next Downtown News publication. The sp. election details were not published.

The election details were only sent by email to those who had specifically expressed interest in the election and were not sent out to all those who signed up for DLANC update via Newsletter.

The security guards in the building were not notified of the election by the election administrators.

Third Challenge:

There were changes to the qualification to run for Business interest seats.

In an email correspondence between Ivan, the IEA (independent election administrator for the 2012 elections) and Rick Young, Ivan wrote:

"I'm being misquoted here. My interpretation was not that business member, business interest or business stakeholder meant employee. I said that those 3 descriptions meant anyone having any connection with a business within this district's boundaries. That would include but not be limited to a business employee or a business owner."

He also told Max C. and Rick Young that receipts qualify someone to run and vote for business seats because it proves the stakeholder has business interests within the boundaries multiple times including privately at the candidate forum and on the election day on November 15th 2012.

Stephen Box EmpowerLA Election director stated that the IEA ruling holds for the seconde Special Election.

This conflicts with what Russle Brown stated at 5:00PM on 2/8/13 to Rick yound with Max as witness:

“To run for a business seat you must either own a business or work for a business. Even if you get a odd job for 4 hours you do not qualify.”

Russle Brown did not accept a reciept showing that Rick Young shopped within the district.