

Officers:

Jeffrey Hartsough, President 2-CI
Howard Katchen, 1stVP 3-R
Vacant, 2ndVP

Candy Williams, Treasurer 1-R
Gil Imber, Secretary 6-R

Board Members:

Kristin Sales, 1-CI
Levon Baronian, 1-B
Lisa Gilford, 2-R
Vacant, 2-B
Vacant, 3-CI
Fran Kerzner, 3-B
Lisa Cappelletti, 4-CI
Joe Cappelletti, 4-B
Lisa Petrus, 4-R
Christy Adair, 5-CI
Sarah Manuel, 5-R
Avo Babian, 5-B
Harold Shapiro, 6-CI
Christine Kim, 6-B
Jeffrey Kalban, 7-CI
Michael Binkow, 7-R
Neal Roden, 7-B
Hayden Ranshaw, Youth
Marcus Zimmerman, Youth

CALIFORNIA



**Sherman Oaks Neighborhood
Council
Board Meeting
SONC Board Retreat**

**Saturday, January 18, 2020
9:00 AM**

**Sherman Oaks Galleria
Community Room
15301 Ventura Boulevard
Sherman Oaks, CA 91403**

**SHERMAN OAKS
NEIGHBORHOOD
COUNCIL
(SONC)**

P O Box 5721
Sherman Oaks, CA 91413
(818) 503-2399

www.ShermanOaksNC.org

OR CONTACT

**Department of Neighborhood
Empowerment linked through
our website under
"Resources"**

The public is requested to fill out a "Speaker Card" to address the Board on any item of the agenda prior to the Board acting on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Board's subject matter jurisdiction will be heard during the Public Comment period. Public comment is limited to 2 minutes per speaker, unless waived by the presiding officer of the Board. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. Requests must be made within a reasonable time to the telephone number above or to the "contact us" at the website above. Reports and other committee reference materials may be seen on our website under each committee's meeting agenda. Agendas are posted publicly in the window of SO Public Library, 14245 Moorpark St. Printed copies of Board and committee agendas can be obtained by sending a written public records request after the document has been published to PO Box 5721, Sherman Oaks 91413. A check for \$1 plus 10 cents per page plus 49 cents postage made out to the City of Los Angeles must be included with the request. If additional payment is required, you will be notified.

SONC Board Retreat Agenda

1. Welcome and Call to Order
2. History of Sherman Oaks Neighborhood Council
3. Introductions and Getting to Know Each Other
4. Retreat Objectives
5. NC Administrative Issues – Rules, Policies, and Practices
 - Brown Act
 - Conflict of Interest
 - Public Records Act
 - Running Meetings
6. SONC By-Laws, Policies, Procedures, Committees, and Transparency
7. NC Funding and Budget
 - How Committees get funding
8. Engagement of Stakeholders and Community
 - Community Assets
9. Vision, goals and plans for SONC Community
 - Sherman Oaks' "future"
 - How SONC influences "future"
 - What are realistic goals that can be accomplish
10. Public Comment
11. Adjourn

The Plan for a Citywide System of Neighborhood Councils

The Plan for a Citywide System of Neighborhood Councils (“Plan”) is the guiding document that governs the purpose and structure of the Neighborhood Council System. The Plan is prescribed per Section 904 and 905 of the Los Angeles City Charter, the governing document for the City of Los Angeles.

The Plan outlines procedures for:

- Boundary Adjustments
- Bylaw Amendments
- NC Certification and De-certification
- & Responsibilities of the Department

The “Heart of the Plan” is outlined in Article I and II.

Article I sets the purpose of the Neighborhood Council System as promoting public participation in City governance... so that government is more responsible to local needs.

“Local needs” are addressed through the delivery of City services and participating in the City’s decision making process.

Article II sets the guiding principles of the Neighborhood Council System, which includes:

- **Inclusive Membership** - Promoting Diversity and Neighborhood Councils being open to all “Community Stakeholders,” including homeless and formerly incarcerated individuals and regardless of immigration status.
- **Non-Discrimination** – NCs may not discriminate in their policies, recommendations or actions against any individual or group on the basis of race, religion, color, creed, national origin, ancestry, sex, sexual orientation, age, disability, marital status, income, homeowner status, renter status of political affiliation.
- **Transparency** – NCs shall adopt fair and open procedures for conducting business
- **Independence** – NCs shall be independent, self-governing, and self-directed.



MICHAEL N. FEUER
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
NEIGHBORHOOD COUNCIL ADVICE DIVISION

THE BROWN ACT AND NEIGHBORHOOD COUNCILS

What is the Ralph M. Brown Act?

The Brown Act is a California state law governing open meetings for local governmental bodies. The Brown Act (also “Act”) is contained in the Government Code at § 54950 *et seq.*, and establishes rules designed to ensure that actions and deliberations of commissions, boards, councils and other public bodies of local agencies are taken openly and with public access and input.

Why are Neighborhood Councils subject to the Brown Act?

The Brown Act governs the meetings of all local “legislative bodies,” that is, all multi-member councils, boards, commissions, committees and the like, of a local governmental agency. Bodies created by charter, ordinance, or the formal action of another legislative body are covered by the Act. Neighborhood Councils are covered by the Brown Act because the City Charter created the system of Neighborhood Councils, which required the approval of a plan to implement the system, and an ordinance to implement that plan. The ordinance provides for the City to certify and otherwise recognize Neighborhood Council as an official component of the City. This combination of features, *i.e.*, the Charter-created system and adoption of the plan and ordinance, satisfies the “creation by charter, ordinance or formal action” test of the Act. Thus, meetings of Neighborhood Councils are covered by the Act.

What constitutes a meeting of a Neighborhood Council?

A meeting of your Neighborhood Council will occur when a majority of the members of your board, or whatever term your bylaws use to define its “governing body,” meets at the same time and place to *hear, discuss, or deliberate* upon any matter under the subject matter jurisdiction of your Neighborhood Council. The jurisdiction of your Neighborhood Council will be broad since Neighborhood Councils are advisory bodies

to *all* of the City decision-makers. Some Neighborhood Councils may have defined particular areas of importance to them in their bylaws, so those areas will also provide guidance as to the Neighborhood Council's jurisdiction.

Many Neighborhood Councils' bylaws state that decisions of their governing body are made by a majority of the total number of board members. Others state that decisions are made by a majority of the number of board members *present* at the meeting. Still others state that decisions are made by action of a majority of the board's *quorum*. If your bylaws provide that some number *less* than a simple majority of the board can make a decision on behalf of the Neighborhood Council, the gathering of that group of people is an official meeting under the Act.¹ The least number of persons under your bylaws who can take an official action for your Neighborhood Council is the number to be aware of for purposes of complying with the Act. Meetings subject to the Act may lawfully be held only if the notice and agenda requirements discussed in this paper are followed.²

One might think that the Brown Act applies only when a board is making decisions at a public meeting. In fact, the Act also applies when a majority of your Neighborhood Council board meets to simply *discuss*, *deliberate* or *acquire* information about a matter within your Neighborhood Council's subject matter jurisdiction.

A meeting may also include a conference or retreat attended by a majority of Neighborhood Council board members. If a conference (or similar gathering) is open to the public, involves issues of general interest to the public or to a number of public agencies, it is not a meeting subject to the Act. Thus, Neighborhood Council board members are free to attend so long as the majority of board members do not discuss among themselves, other than as part of the scheduled program, specific issues within the Neighborhood Council's jurisdiction. However, Neighborhood Council retreats are subject to the Act because, by definition, they do not involve a number of different public agencies but rather, would likely involve issues relating solely to the Neighborhood Council. Thus, the public must be allowed to attend, and the retreat would be subject to the Act's notice requirements, as described below.

If your Neighborhood Council decides to hold a lunch or dinner meeting, where Neighborhood Council matters will be discussed, the lunch or dinner meeting must be noticed as a meeting of the Neighborhood Council, and the public must be allowed to attend, without having to pay for the lunch or dinner although they need not receive the meal.

¹ Accordingly, whenever this paper uses the term "majority" to define a meeting, we include the term "quorum" as well.

² Less than a majority of board members may meet together or over the phone or by e-mail to discuss a subject within the jurisdiction of the Neighborhood Council without having to comply with the Act.

Committee meetings. Neighborhood Council committee meetings may also be subject to the Act's notice and agenda requirements. Standing committees, which are committees having a continuing jurisdiction over a particular subject matter, are subject to the Act, even if the committee comprises less than a majority of board members or includes or is comprised of only stakeholders from your Neighborhood Council. If your bylaws have created several standing committees, these will be subject to the Act's provisions.

In addition, interim boards acting on behalf of the Neighborhood Council after certification but prior to the initial election or selection of the board are subject to the Act.³

Ad hoc or temporary committees created by the board from among its members and numbering less than a majority are normally not subject to the Act's posting and notice requirement. Generally, a temporary committee is designed to address a specific issue for a limited time and report back to the full board. As long as the committee is made up of *only* less than a majority of your Neighborhood Council board members and the committee is of a temporary nature, the committee will not be required to notice and post its meetings. However, if you include *any* non-board member on a temporary committee, the meetings must be noticed and posted. Unlike the Neighborhood Council's governing board, standing committees and temporary committees that are subject to the provisions of the Act, do not need to establish a regular time and place for their meetings.

In addition, there are Brown Act concerns involving informal gatherings, serial meetings and Neighborhood Council special elections, initiatives or referenda, see discussion below.

Informal gatherings. Since Neighborhood Council board members are also stakeholders within the community, it is likely that they will have occasion to gather informally at picnics, block parties, fund-raisers, and a variety of other community events. Not every gathering of a majority of Neighborhood Council board members will necessarily constitute a meeting under the Act. Informal social gatherings of board members are not meetings and Neighborhood Council board members do not need to comply with the provisions of the Act. However, even at these purely social occasions, a majority of the board may not gather together to discuss matters within the Neighborhood Council's jurisdiction and must guard against discussing matters that are likely to come before your Neighborhood Council.

Serial meetings. The Act also prevents, what courts have called, "serial meetings," conducted by a majority of your board members to develop a consensus on a matter coming before your Neighborhood Council. This prohibition exists because the Act's

³ Many Neighborhood Councils did not create an interim board, but allowed the people who are listed on the original certification as "contact people" to be the liaisons with the Department, until a board is elected or officially selected. The gathering of those individuals would not constitute a meeting of a legislative body unless they engage in making decisions on behalf of their Neighborhood Council.

main goal is to ensure that the public's business is in fact conducted *in public*. A serial meeting is a series of separate communications that ultimately involves a majority of a legislative body. The Act prohibits this type of communication if it contributes to the development of an agreement among the majority on any particular item.

For example, assume you have an 11-person board, your board's quorum is 6 people and your board takes action by a majority of the entire board, a chain of communications between six of those members could result in a serial meeting in violation of the Act. This can occur either if one person contacts the other five members or if, for example, member A contacts member B who contacts member C, *etc.*, until six or more of the board members have discussed and agreed to the action they want to take on a particular item. These types of communications are prohibited under the Act. The Act also prohibits board members from communicating via e-mail and through other technological devices to assist a majority of the board in arriving at any decision. Therefore, as noted earlier, you must always be aware of the least number of board members under your bylaws who can take official action on behalf of your Neighborhood Council and be particularly cautious of communicating by telephone, fax, or e-mails with a majority of your members on matters of substance coming before your Neighborhood Council. However, communications between board members and an executive officer, such as a Secretary, to discuss times or dates for a future meeting, and placement of matters on the agenda, and the availability of board members to assess whether an upcoming meeting will have a quorum, may occur without violating the Act. Similarly, merely sending or receiving a written communication to or by a majority of the board members (including an e-mail), does not result in a serial meeting in violation of the Act if the communication becomes a public record and there is no *exchange* of these communications among board members on a substantive issue coming before your Neighborhood Council. A majority of board members should also refrain from circulating motions, proposals and similar documents among themselves for review and signature other than at a noticed public meeting.

In addition, a serial meeting may occur through the use of an intermediary. Thus, you cannot use any person to poll a majority of the Neighborhood Council board members to gain a consensus on an item coming before the council, ask a third party to communicate among the board to obtain a consensus, or use intermediaries to accomplish the actions that you are directly prohibited from undertaking.⁴

Special Elections, Initiatives, Referenda, Officer Elections. Some Neighborhood Councils hold special elections on an "election day" to fill vacancies, or conduct elections for initiatives or referenda where a Neighborhood Council when stakeholders, including board members, cast votes for the matter before them. These types of

⁴ The Act does allow City staff members to engage in "separate conversations or communications outside of a meeting with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that staff member does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body." Section 54952.2 (b) (2), as amended 2008.

elections which envision using a ballot to cast votes anonymously, *i.e.*, “secret ballots”, would not constitute a “meeting” under the Act as long as no other Neighborhood Council business is conducted. However, if any type of Neighborhood Council business is to be conducted at the venue for the special election, the entire election would be subject to the Act, unless there is a clear and absolute demarcation between the election and the business meeting. Otherwise, traditional secret balloting is not allowed since the Brown Act prohibits voting by secret ballot and all voting would have to occur openly where the person’s voting choices are readily ascertainable.

Some Neighborhood Councils provide for their *officers* to be elected by the Neighborhood Council board members, rather than by a general vote of the stakeholders. This election does not occur at an election day, but instead at a public meeting, which must be held in compliance with the Act. At that meeting where the officers are to be elected, an item should appear on the agenda for the election of officers and the election may *not* be conducted by secret ballot. The votes must be recorded openly, either by voice, hand vote or by a written ballot that can be identified to the voter and the results must be publicly tallied.⁵

What type of rules will govern the conduct of Neighborhood Council meetings under the Act?

Regular meetings. The Act requires that Neighborhood Councils hold their meetings at a regular time and place. The Plan for a Citywide System of Neighborhood Councils (“Plan”) provides that every Neighborhood Council must meet at least quarterly. Your council may, of course, choose to meet more often than the minimum time set forth in the Plan. Your council should already have included the minimum meeting requirement in your bylaws and you must establish, either in your bylaws, or subsequently adopted Rules of Order, a rule establishing the time and place of your board’s regular meetings.

Open meetings. The Brown Act specifically requires that your meetings must be open to the public.⁶ This means open not only to your Neighborhood Council stakeholders, but to any member of the public. Your Neighborhood Council may not charge a fee for admittance, nor can you require members to sign in or identify themselves as a condition of attending a meeting.⁷ Use of speaker cards to organize the order of people who wish to speak is allowed without violating the prohibition of requiring people to register to attend a meeting. However, a Neighborhood Council may not prohibit a

⁵ The Attorney General has opined that “members of a [legislative] body may cast their ballots either orally or in writing so long as the written ballots are marked and tallied in open session in a way that identifies the voter and how s/he voted and the ballots are disclosable public records. See, 59 Ops Atty. Gen 619 (1976).

⁶ The Plan requires that Neighborhood Council operate in compliance with the Act.

⁷ For voting or membership identification purposes, although we recommend against any process that discourages stakeholder participation, it is appropriate for your group to create a registration form to identify your stakeholders as members of the Neighborhood Council, if you choose. However, if a registration form is posted or circulated at a meeting, *it must clearly state that completion of the document is voluntary and not a precondition for attendance.*

member of the public from speaking if s/he refused to fill out a speaker card. Discussion and deliberation of agenda items by your council's board must be done openly - no secret ballots or secret deliberations are allowed. Again, the purpose of these requirements is to allow members of the public to hear and observe the proceedings. Finally, meetings may not be held in facilities that are inaccessible to disabled persons or in facilities that prohibit the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry or sex.

Location of meetings. The Brown Act provides that regular and special meetings must be held within the boundaries of the territory over which the legislative body has jurisdiction. This means that your Neighborhood Council meetings must be conducted within the City of Los Angeles and must be held within the boundaries of your Neighborhood Council area. However, there are provisions allowing for the occasional "field trip" outside your boundaries and other limited exceptions. The Act also allows Neighborhood Council meetings to be held by teleconference. A teleconference is a meeting where your council members are not all at the same location and are connected by electronic means, through either audio or video or both. During a teleconferenced meeting, board members may discuss and vote on agenda items. However, the Act has strict requirements governing how teleconferenced meetings may occur:

- ▶ Agendas must be posted at *all* teleconferencing locations, all of which must be listed on the agenda;
- ▶ Members of the public must be allowed to attend any of the teleconferencing locations and to address the Neighborhood Council board directly at any of the locations;
- ▶ At least a quorum of the Neighborhood Council board shall participate from teleconferencing locations within the Neighborhood Council area;
- ▶ The Neighborhood Council must comply with all other provisions of the Brown Act.

Notice and agenda requirements.

Regular meetings. The agenda for a regular meeting must set forth the time and place of your meeting and must be posted *at least* 72 hours before the meeting.⁸ The agenda must list all items that will be discussed or acted upon by your Neighborhood Council. That listing should be described in an informative way so that board members and the public understand the general nature of the agenda item and can make an informed decision whether to attend the meeting or not. The Brown Act provides that this

⁸ The 72 hours *may* be calculated to include Saturdays and Sundays but the location you choose must be accessible during these weekend hours so that the agenda may be viewed.

description need not exceed 20 words, but you are certainly free to use more words if necessary. The goal of the description is to provide a reasonably clear understanding of what is to be considered by the board at its meeting.

You may include general categories on your Neighborhood Council agendas, such as “General Announcements” or “Correspondence” or “Committee Reports.” However, if a committee of your Neighborhood Council plans on making a particular recommendation to the board, that report should be listed specifically with a reference to the committee’s recommendation. The same would be true if your Neighborhood Council is making a recommendation about a particular project or issue that it wants to formally communicate to the City decision-makers. Those matters should be separately listed on the agenda with enough information to identify the project, such as the address, type of project, *etc.* Neighborhood Councils are limited to acting on (as well as discussing) only those matters which have been listed on the agenda, with limited exceptions which are described below.

Special meetings. The agenda for a special meeting (and the call and notice for it) must be posted, stating the time and place of the meeting, *at least 24 hours* prior to the special meeting and provided to each local newspaper, radio, or television stations that has requested in writing to be provided with these notices. Only matters that are on the agenda for that meeting may be discussed at that meeting. Your bylaws should specify whether your Neighborhood Council may hold special meetings. The Brown Act provides that special meetings may be called by the presiding officer of your Neighborhood Council or by a majority of the board members by delivering written notice to each board member of the council.

Emergency meetings. The Act allows emergency meetings to be called under specified circumstances without having to comply with either the 24-hour notice, one-hour notice, or posting requirements.⁹ *However, Neighborhood councils will never have the need to call an emergency meeting within the definition of the Act and should not invoke this section.*

Exceptions to the agenda requirement. The general rule is that a matter may not be discussed or decided unless it is listed on the agenda. *This is very important*, but there are exceptions to this broad rule:

a) *Board Member Comments*

▶ board members may make very limited comments and *briefly* respond to statements made or questions posed by persons exercising their general public comment rights (*no action may be taken on matters brought up during general public*

⁹ Those circumstances include a dire emergency or crippling disaster justifying a legislative body to take action to protect the health and safety of the community and are designed to apply to bodies of the City such as the City Council to take immediate action to avoid “the disruption of public facilities.”

comment); board members may make a *brief* announcement or a *brief* report on his or her own activities; and board members may take action to direct their secretary (or whoever is in charge of placing items on the agenda) to place a specific matter on the agenda for a future meeting; *Note: It is preferable, if your Neighborhood Council wants to take board member comments, to have an item on your agenda called "Board Member Comments" as part of the agenda, even though the specific discussion under these parameters will not be known in advance of the meeting.*

b) *Continuances*

▶ if an item was posted pursuant to the Act for a prior meeting of the Neighborhood Council occurring not more than five calendar days prior to the date action is taken on the item and the prior action had been continued to the meeting at which action is being taken, your Neighborhood Council may act on the matter even if it is not on the agenda. *Note: This situation is not likely to occur unless your council plans to hold weekly meetings;*

c) *Immediate Action*

▶ board members may take immediate action on an item if, by two-thirds votes of the Neighborhood Council board, there is a need to act immediately, the Neighborhood Council's consideration of the matter cannot await the next meeting of the council and that the need for immediate action arose after the posting of the agenda. *This should only occur in very rare occasions, and you should consult with the Department of Neighborhood Empowerment or the City Attorney's Neighborhood Council Advice Division before relying on this exception. (Note: If an item does come up after the posting of the 72-hour agenda, but before the meeting, you should consider whether you have time to notice a 24-hour special meeting that could follow your regular meeting and allow discussion only of that item.)*

What rights do members of the public have at Neighborhood Council meetings?

Except when closed sessions are permitted (see below), all Neighborhood Council meetings must be held in public. Members of the public, not just the stakeholders in your particular Neighborhood Council, are allowed to attend and participate by speaking about specific items on the agenda. Indeed, *before* your board takes action on any particular item on the agenda, members of the public have a right to testify or otherwise address the Neighborhood Council board members about each item.

Your agendas should also provide for an item designated "Public Comment" because the Act allows members of the public to comment on any item within the subject matter jurisdiction of your Neighborhood Council even if the matter is not specifically listed on the agenda. It is up to your Neighborhood Council where you want to put this item on the agenda. Some agencies put general public comment at the front of the agenda, while some place it at the end. It does not matter where you put it as long as you

provide for that opportunity at every regular meeting. (Special meetings do not require a *general* public comment item; however, the public must still be provided an opportunity to speak on the agenda items for the special meeting.) Your Neighborhood Council is allowed to adopt reasonable rules to govern the length of time for public comment on agenda and non-agenda items.

Members of the public also have a right to criticize the policies or practices of your Neighborhood Council during public comment and have a right to videotape and audiotape the proceedings. The Act does allow your Neighborhood Council to control disruptions and ask disruptive members to leave the meeting room. *However, this power must be exercised with caution and the City Attorney should be consulted to discuss how and when this provision of the Act may be invoked. At no time should you engage in physical confrontations or force or attempt to physically remove a disruptive person.*

Members of the public also have a right to see materials that are distributed to your Neighborhood Council at its meetings. The Act provides that materials distributed during a public meeting be made available for public inspection *at the meeting* if prepared by the local agency or member of the legislative body. This means that if your Neighborhood Council or, if applicable, staff at the Department of Neighborhood Empowerment, prepare materials for distribution at your meetings, copies must be made available for the public. Otherwise, if materials are distributed by other individuals, such as other stakeholders or members of the public, these must be retained and be made available after the meeting. Writings that are public records, related to a matter on your agenda, and are distributed less than 72 hours to a majority of your board must be made available for public inspection at the time of their distribution and your agenda should state where (address/location) such materials may be viewed.

Are there any circumstances when a Neighborhood Council can hold a meeting that is closed to the public?

The Act provides for specific and limited circumstances under which a closed session may be held by a legislative body. The only circumstance, *if at all*, that would apply to a Neighborhood Council would be to discuss pending litigation.¹⁰ Depending upon the circumstance, a Neighborhood Council *might* be allowed to meet in closed session with the Office of the City Attorney to discuss pending litigation to which the Neighborhood Council is or may be a party when litigation has been formally initiated or when there is significant exposure or threat of litigation.

¹⁰ The personnel exception in the Act which allows a body to discuss the “appointment, employment, evaluation of performance, discipline or dismissal of a public employee does not apply to Neighborhood Councils because the term “public employee” in the City of Los Angeles context would mean a City employee. Neighborhood Councils have no authority over personnel matters of City employees. The other exceptions listed in the Act are not applicable to Neighborhood Councils.

What you cannot do is use a closed session to discuss items because you might be uncomfortable discussing the item in public or because you want to confer with legal counsel for non-litigation purposes. As such, the need for a closed session is unlikely to arise for a Neighborhood Council.

May a majority of Neighborhood Council board members attend other Neighborhood Council meetings or other public meetings without having to notice that attendance as a meeting?

A majority of Neighborhood Council board members may attend meetings held by a person or organization as long as the board members do not discuss among themselves Neighborhood Council business. Similarly, a majority of a council's board may attend a meeting of another public body, including another Neighborhood Council meeting, City commission or City Council meeting without having to notice their attendance as a meeting, again, as long as the board members do not discuss among themselves Neighborhood Council business.

However, if a Neighborhood Council and another body or agency wishes to conduct a *joint meeting*, both the Neighborhood Council board and the other body or agency with which it wants to meet, will need to notice the meeting as a joint meeting of the two bodies.

A majority of Neighborhood Council board members may attend meetings of its own committees without having to comply with the notice requirements for the board, as long as the board members attend *only* as observers. For example, if a majority of the board wanted to attend one of its standing committee's meetings, it may do so without having to comply with the Act. However, if any of the board members wish to participate by addressing the committee members, then the meeting would have to be noticed as both a meeting of the committee and the Neighborhood Council.

What can happen if a Neighborhood Council board member violates the Brown Act?

Criminal penalty. Violations of the Act can carry misdemeanor penalties for certain actions if a member of a Neighborhood Council board merely attends a meeting where action is taken in violation of the Act. However, a showing must be made that the member *intended* to deprive the public of information to which the member knows (or has reason to know) the public is entitled.

Civil remedy. Violations of the Act may also result in a civil lawsuit being filed to seek judicial (injunctive or writ) relief to prevent or correct violations. Under certain circumstances, the court can declare a decision made in violation of the Act void. Before filing a civil action, a complaining party would have to first demand that your Neighborhood Council correct the violation. That demand must be made in writing within

90 days after the alleged violation occurs. In cases involving an alleged violation of the rules governing agendas, the written demand must be made within 30 days after the occurrence.

Interested in learning more about the Brown Act?

For more information about the Brown Act, the Attorney General has an excellent pamphlet that discusses the Act, which can be accessed over the Internet at: **<http://caag.state.ca.us>**, by clicking into “Publications” and then scrolling down to: “Brown Act, Pamphlet 2003.” With Adobe Acrobat Reader, it can be read on screen or printed. To request a copy by mail, simply call the Attorney General’s Public Inquiry Unit at: (800) 952-5225.



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Serial Communications
THE BROWN ACT'S LIMITATIONS ON DISCUSSIONS BY
NEIGHBORHOOD COUNCIL BOARD MEMBERS

Are there limits on the ability of board/committee members to communicate with one another outside of Neighborhood Council meetings?

Yes. The Brown Act prohibits Neighborhood Council board members and committee members from engaging in any form of communication among one another outside of a public meeting that leads to a majority developing a concurrence on an action to be taken. The Brown Act states "any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a concurrence as to action to be taken on an item by members of the legislative body is prohibited." (*Gov. Code § 54952.2.*)

Why does the Brown Act prevent communications outside of public meetings?

The purpose of the Brown Act is to avoid secrecy in government. Neighborhood Council board members and committee members are representatives of the stakeholders in their area. The discussions and actions of the Neighborhood Council must be conducted at publicly noticed meetings. (*Gov. Code § 54952.2.*) Government Code section 54950 states:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

What are examples of communications that trigger a concern under the Brown Act?

The Brown Act applies broadly to any type of discussion or communication. Communications may include oral or written discussions, the use of personal intermediaries, agents, family members or messengers to convey information, or the use of technological devices, such as e-mail or website conferencing to disseminate information. Communication includes sharing or distributing information, hearing a proposal, or communicating information that allows members of the body to gather information or formulate a point of view on an issue that is within the subject matter jurisdiction of the legislative body.

What is a "serial communication?"

The Brown Act prohibits serial communications that lead to a concurrence among the majority of the members of the legislative body. Any type of communication is prohibited if that communication allows the majority of the members of the body to engage in a communication that should instead occur at a public meeting. The term "serial communication" is often used because it describes a communication that, for practical purposes, results in a meeting of the members although the members are not present at a publicly posted and conducted Brown Act meeting. The serial communication may involve a series of communications, each communication involving less than a quorum of the board, but when taken as a whole, involve a majority of the board.

A serial communication may arise under a number of circumstances. For example, a serial communication occurs when one board member contacts all or a majority of the other board members. A serial communication occurs if one board member contacts another board member, then that board member contacts another board member, then that board member contacts another ... *etc.* A serial communication also occurs if a board member's representative, agent, or intermediary directly or indirectly contacts the other board members, *e.g.*, a spouse, a messenger, or an alternate board member communicates with the majority of the other board members.

The concern under the Brown Act is not *how* the discussion was communicated among the board. Instead, the concern is whether an inappropriate number of persons received the serial communication and whether that serial communication led

to a concurrence among the majority of the members on an issue that is likely to be considered by the legislative body.

What does the term "developing a concurrence" mean?

The Brown Act prohibits serial communications that lead to "developing a concurrence." Developing a concurrence on an item is broadly construed. It means any discussion or information that assists you in voting. It means any information that assists or clarifies your understanding of an issue. It means any information that leads to an agreement or compromise among the members. It means any discussion or information that advances the resolution of an item that is on the agenda or within the board's subject matter jurisdiction. (*California Attorney General, The Brown Act: Open Meetings for Local Legislative Bodies, 2004, p. 11.*)

How many board members are allowed to communicate outside of a meeting before an improper serial communication occurs?

The number will depend on the Neighborhood Council's bylaws. The *least number* of people who could make a decision at a public meeting should not be engaging in communications outside of the public meeting. For example, if the Neighborhood Council bylaws state that the board is 21 members, the quorum is 11, and the board takes action by a majority of those members present at the meeting, then if 6 people engaged in a discussion that led to a concurrence on an item there would be a Brown Act violation. This concern also applies to the board's committees. For example, if the committees are comprised of 5 members, the quorum is 3 and decisions are made by a majority vote of the entire committee, then 3 committee members may not engage in a discussion that leads to a concurrence on an item outside of their committee meeting.

What are some examples of prohibited serial communications?

- E-mails among a majority of the board or committee members that discuss or argue a member's opinion or point of view.
- A meeting with the majority of the board or committee members that discusses or seeks clarification on an issue that will be heard by the board or committee.
- A majority of members participating in a website conference, internet list service or chat room where opinions or information are discussed on a matter that lies within the jurisdiction of the board or the committee.
- Circulation of minutes or other documents for approval by the board outside of a public meeting.

What are some examples of proper communications?

- The board or committee members may discuss their availability for an upcoming meeting, e.g., the dates and times of an upcoming meeting.
- Providing information to the other members on an upcoming matter on the agenda by distributing reading materials, information necessary to prepare for a meeting, newspaper articles, scientific journals, or magazines. (However, the Neighborhood Council should adopt a rule that allows the distribution of information by one board member, e.g., the Board Secretary, and the information should be distributed by the Board Secretary along with distributing of the agenda for the public meeting.)
- Distributing legal advice to the board/committee from the Office of the City Attorney.
- Distributing general public announcements. For example, notifying the other board members of a City Council meeting or a community event.

What should a board member do if it is believed that there are serial communications occurring among the board?

If a board member becomes aware of improper communications, the board member should notify the Neighborhood Council President of the improper discussions. The President should notify the board regarding the prohibition against serial communications and provide this handout along with the warning that the matter being discussed should be reserved for discussion at a public meeting.

The Department and the Office of the City Attorney have prepared a video regarding the Brown Act that should be reviewed by each board/committee member. In addition, the Department offers regional training on the Brown Act to those groups requesting assistance.

What are the penalties for engaging in serial communications?

Violations of the Brown Act may result in civil and criminal penalties. There are a number of civil remedies that a person may pursue if it is believed that there are impermissible serial communications occurring by board/committee members, including making a demand to cure upon the Neighborhood Council or filing a complaint with the Department of Neighborhood Empowerment. A demand to cure might include requesting that a meeting item be set aside and re-hear that item with a disclosure of the improper communications. Also, a decision made in violation of the Brown Act is subject to being set aside as void. The Neighborhood Council may be required to remedy its improper actions and pay attorney fees and costs from its own funds to a person who brings a challenge. In addition, individuals may be criminally prosecuted for misdemeanor violations of the law.



MICHAEL N. FEUER
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
NEIGHBORHOOD COUNCIL ADVICE DIVISION

**QUICK GUIDE to the
CALIFORNIA PUBLIC RECORDS ACT**

Under the California Constitution and the California Public Records Act (CPRA), most government records are open to the public. Although neighborhood councils are not City departments or commissions, neighborhood councils comply with the CPRA given their advisory role to the City and their mission.

What is the CPRA?

The California Public Records Act (CPRA) is the law that governs access to public records. The purpose of the CPRA is to permit the public to understand how government conducts the people's business.

Who can make a request?

Any member of the public can make a CPRA request for public records.

Members of the public include:

- individuals
- businesses and
- organizations

What is a public record?

A public record is any "writing" containing information relating to the conduct of the public's business regardless of physical form or

characteristics. A "writing" is broadly defined and is any record, regardless of the location or manner in which the record has been stored.

Public records include, but are not limited to:

- handwritten notes
- typed documents
- e-mails
- text messages
- social media posts (Facebook, Instagram, Twitter, etc.)
- website posts
- computer files
- faxes
- photographs
- diagrams
- video and audiotapes
- maps

Does the request have to be in writing?

No. The request can be written or verbal. Members of the public do not have to put their request in writing. Nevertheless, you should confirm in writing to the requester receipt of the request and describe the nature of the request.

What is the deadline for responding to a CPRA request?

You must make a determination regarding the request in **10 calendar days**. In unusual circumstances, you can ask the requestor for an additional 14 calendar days to respond.

The 10 calendar day deadline is for the NC's determination, not a deadline for the records. You must either make the records **promptly available** for inspection and/or **promptly produce** copies of those records. A "prompt" response depends upon the records sought.

Even if part or all of the record requested is protected by an exemption, you still must respond to the requestor and explain why the record is exempt.

What if my neighborhood council does not have the record?

Even if your neighborhood council does not have the record, you must reply to the requestor stating that the NC does not have the record requested.

Do I have to assist a requestor?

Yes. You must reasonably help requestors identify records and

information your NC has which are relevant to the request. You must describe the location where records exist. You must also suggest ways to overcome any practical basis for denying the request.

Are any records protected?

Yes. Some specific types of records are exempt and do not have to be released.

Types of exempt records include:

- attorney-client communications or attorney work-product
- personnel, medical or similar information, which if released would be an unwarranted invasion of privacy
- law enforcement investigations and intelligence information

You can only withhold the exempt information. If the request also asks for other information that is not protected, *you must release it.* If the exempt information is only part of the document, you have to redact (delete or black out) the protected information and release the rest of the document.

For example a stakeholder's personal contact information might be redacted from a document that is otherwise released.

What fees apply to CPRA requests?

You can charge for copies. Neighborhood councils that use outside printing services may be able to use the actual cost per page. For reference, note that for documents up to 8.5 x 14 in size, the City charges \$.10 per page.

Neighborhood councils should not charge a fee to inspect documents.

What happens if I don't respond to a request or wrongfully withhold a record?

Requestors can file a lawsuit to gain access to public records. If the requestor is successful, the requestor will be entitled to conduct discovery regarding the search process undertaken by the NC and recover reasonable legal costs and attorney's fees.

Do I have to create new documents to respond to a CPRA request?

No. The CPRA applies to existing public records and does not require that the your NC assemble new reports or lists to satisfy the requestor's research purposes.

Can records be selectively disclosed?

No. In most instances, if an NC makes a record available to one member of the public, then the NC must make it available to any member of the public who would like to see it.

Need Help?

If you have questions about responding to a CPRA request, contact your neighborhood council's advocate at the Department of Neighborhood Empowerment.

The City Attorney's Office provides legal advice and can help determine, for example, if a particular record or portion of a record is exempt.

**Neighborhood Council Advice Division
Office of the City Attorney
200 North Main St., 700 City Hall East
Los Angeles, CA 90012
213- 978-8132 Phone
213-978-8222 Fax**

PARLIAMENTARY PROCEDURE QUICK GUIDE

		Debatable	Amendable	Can Be Reconsidered	Requires 2/3 Vote
Privileged Motions	Fix Time at Which to Adjourn	No	Yes	No	No
	Adjourn	No	No	Yes	No
	Question of Privilege	No	Yes	Yes	No
	Call for Order of Day	No	No	Yes	No
	Appeal	Yes	No	Yes	No
Incidental Motions	Objection to Consideration of a Question	No	No	Yes	Yes
	Point of Information	No	No	No	No
	Point of Order	No	No	No	No
	Read Papers	No	No	Yes	No
	Suspend the Rules	No	No	No	Yes
	Withdraw a Motion	No	No	Yes	No
	Lay on the Table	No	No	Yes	No
Subsidiary Motions	The Previous Question (close debate)	No	No	Yes	Yes
	Limit or Extend Debate	No	Yes	Yes	Yes
	Postpone to a Definite Time	Yes	Yes	Yes	No
	Refer to Committee	Yes	Yes	Yes	No
	Amend the Amendment	Yes	No	No	No
	Amendment	Yes	Yes	Yes	No
	Postpone Indefinitely	Yes	No	Yes	No
Main Motion	Main or Procedural Motion	Yes	Yes	Yes	No

This table presents the motions in order of precedence. Each motion takes precedence over (i.e. can be considered ahead of) the motions listed below it. No motion can supersede (i.e. be considered before) any of the motions listed above it.

PARLIAMENTARY PROCEDURE QUICK GUIDE

TO DO THIS	YOU SAY THIS	MAY YOU INTERRUPT SPEAKER	MUST BE SECONDED	MOTION DEBATABLE	VOTE REQUIRED
Introduce business (a primary motion)	I move that...	No	Yes	Yes	Majority
Modify wording of motion	I move this motion be amended by...	No	Yes	Yes	Majority
Have something studied further in committee	I move we refer this matter to committee	No	Yes	Yes	Majority
Postpone consideration of something (temporarily)	I move we postpone this matter until...	No	Yes	Yes	Majority
Suspend further consideration of something*	I move we table it	No	Yes	No	Majority
Take up a matter previously tabled*	I move to take from the table...	No	Yes	No	Majority
Objection to consideration of a question*	I object to consideration of this question	Yes	No	No	2/3 vote
Reconsider something already disposed of*	I move we reconsider our action relative to...	Yes	Yes	Yes	Majority
Immediately take up a matter out of its proper order*	I move we suspend the rules and consider	No	Yes	No	2/3 vote
Request information	Point of information	Yes	No	No	No vote
Object to procedure or personal affront*	Point of order	Yes	No	No	No vote, Chair decides
Register complaint (about noise, room temperature, etc.)*	Point of privilege	Yes	No	No	No vote
Ask for actual count to verify voice vote	I call for a division of the house	No	No	No	No vote
Vote on a ruling by the Chair	I appeal the Chair's decision	Yes	Yes	Yes	Majority
Kill a main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	Majority
Take break	I move that we recess until...	No	Yes	No	Majority
End meeting*	I move that we adjourn	No	Yes	No	Majority
End debate	I move the previous question	No	Yes	No	2/3 vote

*Not amendable

--- DRAFT---
FY 2019-20 SHERMAN OAKS NEIGHBORHOOD COUNCIL
ESTIMATED OPERATING BUDGET
COLUMN DESCRIPTION & EXAMPLE SHEET

<i>COLUMN (A)</i>	
Name & Contract:	Please provide your full name and contact information (Your Name ; YourName.SONC@gmail.com)
Contract Info.:	YourName.SONC@gmail.com
Title of Committee or Event:	Say Hello To Spring Tree Give-A-Way

<i>COLUMN (A)</i>	<i>COLUMN (B)</i>
Title of Committee & Event (Examples)	Committee & Event Description (Examples)
<p><u>Committees:</u> SONC Board Meetings Budget Advocates Committee Executive Board Finance Committee Garden & Beautification Committee Government Affairs Committee Homeless Outreach Committee Outreach Committee Public Safety Committee Planning and Land Use Committee Traffic and Transportation Committee Vision Committee</p> <p><u>Events:</u> Board Retreat Garden & Beautification Tour LA Congress Event Public Safety Events-Emergency Preparedness Public Safety Events-CERT Training Class Public Safety Events-Neighborhood Watch Forum Spring Tree Give- A-Way Event Sherman Oaks Street Fair Summer Movie Series Event VANC Two Events</p>	<p>Full Board meetings conducted monthly and open to SO community. Purpose is to get access to budget information, understanding the choices & advocacy, taking action. Chair of each committee meet monthly Oversee budget, internal controls, & produce user-friendly financial reports. Purpose to enhance appearance of Main Street, surrounding areas & maintain public planting areas Appraised of legislative issues that affect real estate and local issues. Purpose is to help create solutions to injustice of poverty & homelessness. Support volunteer awareness campaigns as needed. Oversight of public safety services, Police, EMS, fire, emergency management. Administer the City's zoning laws, ordinances, rules and regulations. Role is to study public transportation, traffic regulations, control devices, & parking. Provide common sense of purpose and identity; long-term direction; and communicate.</p> <p>Welcome & training concentrating broadly about duties as community leaders. Annual civic beautification in the community. Sustainability, drought-tolerant plantings, veggies, fruit, growing. NC joins together regional & citywide alliance as a means to engage interaction & collaboration. Participate in mitigation & prevention activities. Plan for & operate effectively in emergency situations. This program educates volunteers about disaster preparedness for the hazards that may impact their area Organizing Neighborhood Watch with law enforcement or public safety officer who has been assigned to assist. Annual Spring community give-a-way of Trees Annual celebration as an investment in the community & Sherman Oaks business future. Providing families in the community 3 free movie during summer months Two events to bring together all Neighborhood Councils with dinner and awards</p>

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FY 2019-20 SHERMAN OAKS NEIGHBORHOOD COUNCIL
ESTIMATED OPERATING BUDGET
COLUMN DESCRIPTION & EXAMPLE SHEET

COLUMN(C) COLUMN (D) COLUMN (E) COLUMN (F) COLUMN (G)

Budget Category No.	Sub-Category	Types Of Expenses	Vendors	Total Estimated Cost
1	Office Expenses	Name Tags For Board Inventory Items-Online Orders AT&T Messaging Service City Name Badges for Board Members Board Agendas, Minutes, etc. Copy Services-Printing Food & Refreshment for Board Mtgs Meals & Refreshments Website Maintenance USPS Postage and PO Box Rental Meeting Facilities & Space Rental	Anypromo Inc. Amazon AT&T Anderson Trophy Co. Goodway Print & Copy (A GotPrint.com Ralphs Subway The Web Corner Inc. USPS Postage Facility Rental Space	\$100.00
2	Outreach	Tree Give-A-Way Event Flyers LAPL Security Charges LAUSD Rental Party Favors VANC Catering Service For Two Events	Say Hello To Spring Tree Give-A-Way LA Public Library Business City Of Los Angeles DONE Best Bubbles Parties JSC Catering	
3	Elections	VANC-Election Forum Election Outreach Flyers & Stands	Election Outreach Copy Hub	\$100.00
4	Community Improvement Project	Community Improvement Project		
5	Neighborhood Purpose Grant	Neighborhood Purpose Grant	LA Responsible Pit Bull Owners LA Park Foundation NPG Hope Mills	\$2,100.00



GUIDELINES FOR USE OF NEIGHBORHOOD COUNCIL FUNDS & RESOURCES: PUBLIC POSITIONS

Neighborhood Councils must not spend public funds or resources to advocate for or lobby members of the public to adopt a specific point of view.

Neighborhood Councils should be cautious about advocacy and lobbying when sending out letters, flyers, posting comments on its website or on its official social media platforms. While the neighborhood council may advocate its position *to the City decision makers*, it may not advocate to the public that a specific point of view be adopted.

For example, the Neighborhood Council may hold a public hearing on an issue, allow both sides to present their views, and take a formal position on the issue to convey to the City decision-makers. However, the Neighborhood Council may not use public funds to urge members of the public to adopt or advocate for the Neighborhood Council's position or a specific point of view. While the Neighborhood Council may provide general information to the public (e.g., the time and date of public hearings on a certain topic), it may not use public resources to tell the public what position to adopt (e.g., vote "yes" or "no" or support the Neighborhood Council's adopted position).

In *League of Women Voters v. Countrywide Criminal Justice Coordination Committee*, the court explained that while the government has legitimate rights in informing and educating the public, it may not use its public funds as an advantage over the free speech rights of the public. (1988) 203 Cal. App. 3d 529, 549. In *Miller v. Miller*, the court invalidated the use of public funds to promote the ratification of the Equal Rights Amendment, holding: "It is one thing for a public agency to present its point of view to the Legislature. It is quite another for it to use the public treasury to finance an appeal to the voters to lobby their Legislature in support of the agency's point of view. The latter undermines or distorts the legislative process just as clearly as the use of the public treasury to mount an election campaign distorts the integrity of the electoral process." (1978) 87 Cal. App. 3d 762, 772.

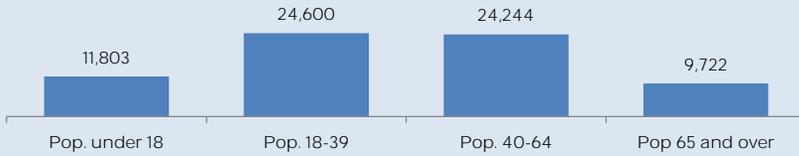
QUESTIONS?

If your Neighborhood Council has further questions regarding this matter, please contact the **Office of the City Attorney, Neighborhood Council Advice Division**, at **(213) 978-8132**.

SHERMAN OAKS NC

Age

Population	70,369
Pop. under 18	11,803
Pop. 18-39	24,600
Pop. 40-64	24,244
Pop 65 and over	9,722



Disability

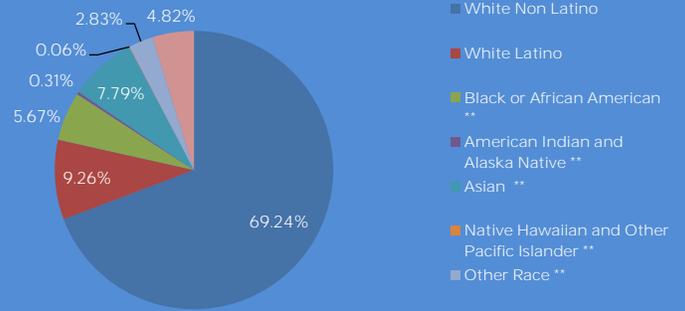
Population with a Disability: 5,632
8.0% of Total pop.

Housing - Renters / Owners

Owners Occupied 40.4%
Renters Occupied 59.6%

Race

White Non Latino	48,724	69.24%
White Latino	6,513	9.26%
Black or African American **	3,987	5.67%
American Indian and Alaska Native **	218	0.31%
Asian **	5,480	7.79%
Native Hawaiian and Other Pacific Islander **	45	0.06%
Other Race **	1,995	2.83%
Two or more races **	3,394	4.82%



Language spoken

Pop. Speaking English Only	44,453	67.4%
Pop. Speaking Spanish	6,336	9.6%
Pop. Speaking Asian and Pacific Island Languages	2,817	4.3%
Pop. speaking Other Languages	1,798	2.7%

Second Language spoken after english : spanish by 9.6% of the population

Past Neighborhood Council Election Outreach

Candidates	2014	17
	2016	17
Voters	2014	170
	2016	154

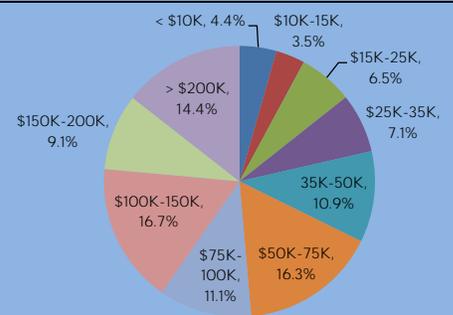
English Proficiency

Population over 5 Years old	
Speak english only or "very well"	90.8%
Speak english less than "very well"	9.2%

Household Income

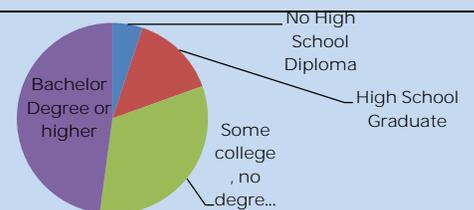
less than \$10,000	4.4%
between \$10,000 and \$14,999	3.5%
between \$15,000 and \$24,999	6.5%
between \$25,000 and \$34,999	7.1%
between \$35,000 and \$49,999	10.9%
between \$50,000 and \$74,999	16.3%
between \$75,000 and \$99,999	11.1%
between \$100,000 and \$149,999	16.7%
between \$150,000 and \$199,999	9.1%
\$200,000 or more	14.4%

Mean Household Income: \$ 116,792



Education

No High School Diploma	2,569	4.4%
High School Graduate	7,211	12.3%
Some college, no degree or Associate Graduate	16,366	27.9%
Bachelor Degree or higher	24,010	41.0%



"The data collected was from the 2016 American Community Survey using Census Tracts. Since not all Census tracts fit neatly into Neighborhood Council boundaries, they were weighted to account for the percentage of the tract that resided within the Neighborhood Council boundaries. If you have questions about the data or see something you may think maybe an error, please contact us so that we can look into it."