

ELECTIONS AND BYLAWS COMMITTEE 2019 - PROPOSED BYLAWS CHANGES

TOPIC: Removal of a Board Member by Recall

CURRENT LANGUAGE: The MVCC Bylaws are silent on this topic.

RATIONALE: Per the LA City Charter, all officers of the City, both elected and appointed, shall be subject to recall as provided in Article IV.

The screenshot shows the American Legal Publishing Corporation website interface. A search bar at the top contains the word 'recall'. The left sidebar shows a tree view of the Los Angeles Charter and Administrative Code, with 'ARTICLE II OFFICERS OF THE CITY' selected. The main content area displays 'Sec. 200. City Officers.' followed by the text: 'All officers of the City, both elected and appointed, shall be subject to recall as provided in [Article IV](#). The officers of the City shall be: A Mayor, The Members of the Council, A City Attorney, A City Clerk, A Controller, A Treasurer, The members of the boards or commissions of the departments and the chief administrative officer of each department and office, An Executive Director of the Board of Police Commissioners, Other officers as prescribed by ordinance'.

Unfortunately, Article IV does NOT address the recall procedure for Board Members of Neighborhood Councils.

PROPOSED LANGUAGE: Other NCs have recall procedures. Unfortunately, there is no standard procedure across NCs, nor do all NCs have recall procedures. Here is one example from the Woodland Hills Warner Center Neighborhood Council (WHWCNC).

PLEASE NOTE: 1) The recall template in the WHWCNC Standing Rules could not be located. 2) The word Alternate has been struck from this sample because the MVCC currently does not elect Alternates to its Board.

Removal by Recall: A Neighborhood Council Representative ~~or Alternate~~ may be removed by the submission of a written petition by 100 verified Stakeholders of the elected Representative/~~Alternative's~~ Area, pursuant to the procedure set forth below:

1. Recall initiators inform the Neighborhood Council that they wish to collect signatures for the removal of their elected Representative ~~or Alternate~~;
2. The Board advises initiators to create a "Pro Recall Statement" with a limit of five hundred (500) words for the Neighborhood Council required recall petition in the Neighborhood Council Standing Rules;
3. The Board receives the "Pro Recall Statement" and forwards to the Neighborhood Council member who is the subject of the recall effort;

4. The aforementioned Neighborhood Council member has fourteen (14) days to furnish a "Rebuttal Recall Statement" to the Neighborhood Council. (Same word limit as 2 above);
5. The Neighborhood Council prepares a recall petition using the template from the Neighborhood Council Standing Rules, that includes a listing of specific charges;
6. Recall initiators have sixty (60) days from receipt of recall petition from the Neighborhood Council to collect the signatures, including printed name, address stakeholder status, phone numbers, and emails of one hundred (100) verified Stakeholders from the Representative's or Alternate's area;
7. The Governance Executive and Finance Committee shall verify petitioners and, if verified, shall place the matter on the agenda for the earliest regularly scheduled Board meeting that allows for the Representative or Alternate to receive thirty (30) calendar days' prior written notice pursuant to D1 below;
8. Removal by recall shall be completed pursuant to the procedures set forth in D below.

D. Procedure for Removal: The Officers shall have the matter placed on the agenda for a hearing by the Board of Directors at the next regular Neighborhood Council meeting, pursuant to the procedure set forth below:

1. The Representative or Alternate shall be given a minimum of twenty-five (25) calendar days' prior written notice of the proposed removal and the reasons for the proposed removal. Notice must be sent by mail, return receipt requested, to the Representative/Alternate's last known address:
2. The Representative/Alternate shall be given an opportunity to be heard, either orally or in writing. Any written response provided by mail shall be sent to the Neighborhood Council address posted on the web site. The hearing shall be held, and/or the written statement considered, before the next regular Neighborhood Council meeting:
3. The Board of Directors shall decide whether or not the Representative or Alternate should be removed. Any removal of a Representative pursuant to this subsection shall require an affirmative vote of two-thirds (2/3) of the Board of Directors present, including the vote of the Representative being considered for removal.
4. Any charges, accusations of violations, or actual breaches of the Bylaws or the Standing Rules of the Neighborhood Council shall terminate upon the next election and swearing in period. There shall be no accrual or misdeeds or alleged violations that have not been properly cited within the established time periods as cited above.

SUBMITTED TO: MARTIN RUBIN Martin.Rubin@marvista.org

SUBMITTED BY: Selena Inouye

DATE: August 28, 2019

CONTACT INFO: Selena.Inouye@MarVista.org