

ADMINISTRATIVE MOTION

DIRECTOR'S MOTION – Aaron Vanek, Zone 6 Director

TITLE: Removal of MVCC Standing Rule 8.9 – stakeholders voting in MVCC committee meetings

PURPOSE: To remove rule 8.9 from the MVCC Standing Rules.

BACKGROUND: Since at least 2016, the Mar Vista Community Council has likely been unique with one of its Standing Rules, 8.9: Any MVCC Stakeholder is a constituent [has voting power--AV] of each MVCC Standing or Ad-hoc Committee attended.

In action, this permits anyone attending any MVCC committee meeting to vote on all agenda items. Due to the Brown Act, which supersedes MVCC Standing Rules, the public is not required to identify themselves. Thus stakeholder status cannot be definitively determined. Anyone can say they are a stakeholder and do not need to verify. From DONE's "The Brown Act and Neighborhood Councils" manual 05/2022:

7. What public participation requirements apply to neighborhood council meetings?

Open meetings. The Brown Act specifically requires that your meetings must be open to the public. 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 member of the public from speaking if they refuse to fill out a speaker card. Discussion and deliberation of agenda items by your neighborhood 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; in facilities that prohibit the admittance of any persons on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation; or where members of the public may not be present without making a payment or purchase.

⁷ If a sign-in sheet or 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.*

Stakeholders are not required to take any ethics or code of conduct training that is required of board members. Stakeholders with a clear conflict of interest, e.g., their own Neighborhood Purpose Grant (NPG), can still vote on it in committee. Stakeholders are not

subject to the Brown Act's rules on a "quorum of a quorum" and thus can easily dominate most MVCC committee meetings with just four people; as of now no more than three MVCC board members can speak or comment or vote in committee meetings. Any group, stakeholders or not, that outnumbers the attending board members on committee can vote down any motion against their own interest, or vote through committee any item that benefits them.

Of course, any board member on a committee can issue a minority report to accompany the motion. Board directors can also make a single director's motion to the board if an item did not pass committee. However, both of these cases involve additional efforts that should normally be resolved in the committee if not for the "stakeholders" (actual stakeholders or not) overriding the vote of the board members.

In all cases, the main board decides the fate of all committee items, and stakeholders are not permitted to vote in board meetings.

If SR 8.9 was removed, stakeholders still have multiple options for council legislation open to them:

a. Ten stakeholders (again, there is no way to verify status) can petition the board—bypassing committee entirely—and have 10 minutes to present their motion if it is received more than 14 days before the board meeting (from MVCC bylaws):

Section 2: Agenda

Board Meeting Agendas. Upon the request of a Director or presiding Committee Chair, a motion shall be placed on the agenda by the Chair, with the assistance of the Secretary, for the next meeting of the Board.

Petitioning the Board. An item may be placed on the agenda of a Board Meeting by a petition signed by not less than ten (10) Stakeholders. Such a petition shall be submitted to the Chair at least

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fourteen (14) calendar days prior to the scheduled meeting. Petitioners shall be permitted to make a presentation to the Board, regarding the petition, not to exceed ten (10) minutes.

For further information, see the Standing Rules of the MVCC.
If this seems too restrictive, we can reduce the number of petitioners needed as a bylaws amendment (until April 2026).

b. Non-board members can be appointed to a committee. Palms NC recently reminded their committee chairs to have non-board members on committees sign a Code of Conduct.

c. Stakeholders can run for board positions every two years.

d. Stakeholders can ask one board member to make a director's motion for them.

e. And of course, any member of the public must be allowed, by law (the Brown Act), to comment on any and all items they wish. In the case of committee meetings, the chair may, and often does, allow a presenter more than a minute or even ten minutes to speak.

LA's Department of Neighborhood Empowerment (DONE) has noticed this issue in the past, as indicated in MVCC's Election & Bylaws Committee minutes from Dec. 18, 2019:

Semee Park, DONE representative, during the meeting commented that committee meetings should have no more than 3 MVCC directors present which would constitute a quorum, *(secretary's note-this meeting had 5 during the whole meeting and 2 more for part of the meeting)*, if more are going to attend it should be a joint board committee meeting to avoid violating the Brown Act. It was stated that MVCC's committees had no set quorum because their membership is whoever shows up, could be 3-100+, all present are considered voting members. She stated DONE would be sending suggested language for us to change our bylaws. There were more questions and Semee said "legal" would need to answer them and suggested asking the MVCC Chair to contact legal for answers.

In the above example, if "MVCC's committees had no set quorum," then could two random people walk off the street and hold a committee meeting without any board members present, and their passed items would be taken up by the main board?

THE MOTION: MVCC removes Rule 8.9 ("Any MVCC Stakeholder is a constituent of each MVCC Standing or Ad-hoc Committee attended.") from its Standing Rules.

DIRECTED TO: MVCC Board of Directors