

Date: July 8, 2013
To: Neighborhood Council Leaders
From: Dept. of Neighborhood Empowerment

SUBJECT: NEIGHBORHOOD COUNCIL MEETING REMINDERS

I thought it a good time to send a note detailing a couple of basic items that can be forgotten amidst the many tasks one must do when preparing for a NC meeting. To that end, the following is a list of helpful reminders to make your meeting a success:

BROWN ACT REVISION- July 1, 2008

The City Attorney wishes to bring to your attention a recent **amendment to the Brown Act that takes effect on July 1, 2008**, and impacts the **wording of board agendas** and also impacts how the **records**, which are reviewed by board members in anticipation of a meeting, are to be **made available to the public**. This information is intended to provide you with guidance in preparing the agendas for the Neighborhood Councils.

The pertinent amendment is contained in Government Code section 54957.5 paragraph (b) reads as follows:

"(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008."

Typically, board members receive an agenda and written materials to review in advance of a meeting (the "agenda packet"). Government Code section 54957.5 clarifies that once the writings or agenda packet are delivered to a majority of the members on the board, the records, unless specifically protected from disclosure by the Public Records Act, must be made immediately available upon request. If written materials are submitted to the board after the posting of the agenda, then the agency shall designate a location (and an optional website link) where the public may view the records.

Therefore, Neighborhood Councils should provide for easy access to the records by making them available on the website in addition to a physical location. It will be important to insure that upon distribution of the agenda packet to a majority or all of the board members, the documents are promptly placed in the correct location and posted on the website.

THE SUGGESTED ADDITION TO THE AGENDAS FOR NEIGHBORHOOD COUNCILS SHOULD READ:

"In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting, may be viewed at [insert address], [optional: at our website by clicking on the following link: _____,] or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact _____.

* **The American with Disabilities Act** language is also required and is as follows:

As 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. To ensure availability of services, please make your request at least 3 business days prior to the meeting you wish to attend by contacting firstname_lastname, (XXX) XXX-XXXX or e-mail somebody@something.com

Please note the City Attorney has opined that ALL meetings, activities and/or programs conducted by Neighborhood Councils MUST be accessible to those with disabilities.

AGENDA

Ralph M. Brown Act

54954.2. (a) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda

AGENDA WORDING

Remember to use **key wording** so that the general public can determine whether an item is up for discussion or action or both.

Non- Action Examples

Discussion regarding
Update regarding
Report regarding

Action Example

Possible Motion/Action
Discussion and Possible Action
Motion to

KEEP A NC BINDER

To ensure the public has an opportunity to review all items presented and/or distributed at the meeting, each NC should create a standardized binder containing the following:

Bylaws (*reference purposes only*)
Standing Rules (*reference purposes only*)
Agenda
Minutes
Treasurer's Report
Motions (if not stated on the agenda)
Exhibits (if submitted)

Print or stamp **DO NOT REMOVE** on all items placed in the binder and label exhibits with the corresponding agenda items. Dividers are a simple way to differentiate between each agenda item. To keep it simple, label the divider in generic form (e.g. agenda item 1, agenda item 1, etc.)

The binder can serve as the official record of the meeting and any items received at the meeting can be added to it so that is complete.

POSTING FOR GENERAL AND COMMITTEE MEETINGS

Please note that you are required by the Plan to post at the locations identified in your Certification Application within the required timeline; 72 hours, Regular Meeting; 24 hours, Special Meeting for all general and standing committee meetings.

If posting locations need to be updated, please contact your Project Coordinator.

ETHICS TRAINING—Knowing when you have a Conflict of Interest

Ethics Training is mandated for each NC board member. It is available online at www.lacityneighborhoods.com. There are three sections and a quiz that must be taken and submitted in order to receive credit. DONE is currently in the process of scheduling several in-person Ethics Trainings.

Motion as adopted on 1/13/09 by City Council

I HEREBY MOVE (Smith-Perry) that Council APPROVE the implementation of a system wide, mandatory conflict of interest ethics training for all Neighborhood Councils, ***with repercussions and consequences to individual board members*** in non-compliance, the specifics of which will be deliberated, determined and made public at a later date. Adopted Jan.13, 2009

Link: http://clkrep.lacity.org/onlinedocs/2008/08-0351_ca_01-13-09.pdf

DONE EBLASTS

Subscribe to the DONE eblast and save yourself time gathering pertinent information for yourself or your board. The eblast is a great way to share a variety of information from many key sources. You can sign up for the eblast on our website EmpowerLA.org.

BOARD MEMBER ROSTERS

The Department receives many requests for contact information from other agencies and it is imperative that we have the correct information so that you receive timely communications. To this end, please submit an updated board roster to the Department when any changes occur. You can send it via email to ncsupport@lacity.org or call the HelpLine at (213) 978-1551.