

Encino Neighborhood Council
General Meeting of 9/22/2021 Item 7.a.ii.

Whereas, the Board of Neighborhood Commissioners has before it consideration of amendments to the [Code of Conduct Policy](#), that are extreme, anti-democratic, and un-American, and

Whereas, these amendments include the following:

“If a Board Member or Committee Member is alleged to have violated either the City’s Workplace Equity Policy or the Commission’s Code of Conduct, the Department, with written approval from the General Manager, may immediately suspend the Board Member or Committee Member for a period of up to 90 days.”

and

Whereas, punitive action should never be based on an allegation and occur only following due process involving investigation and a hearing and provide the accused the right to a presumption of innocence and opportunity to mount a defense, and

Whereas, the following clause grants authority to arbitrarily impose suspensions at the sole discretion of an individual who is not accountable to anyone.

“The Department shall be the sole decision-maker with respect to a suspension. The Board Member or Committee Member may not appeal the suspension decision.”

and

Whereas, this clause fails to provide adequate protections for the rights of individuals accused of misconduct and states that any board or committee member may be suspended solely on an allegation, and

Whereas, this is a direct disenfranchisement of the voters who elected the board member and removing a board member without due process gives DONE the unilateral ability to overturn an election;

Therefore, be it resolved that:

The Encino Neighborhood Council expresses grave concern regarding proposed amendments to the Code of Conduct Policy submitted by the Department of Neighborhood Empowerment to the Board of Neighborhood Commissioners.

Be it further resolved that:

1. BONC is strongly advised to immediately withdraw consideration of the proposed amendments to the Code of Conduct;
2. In connection with future revisions of Neighborhood Council paperwork, DONE shall request the Neighborhood Councils appoint a group of representatives to consult with BONC, DONE and the City Attorney on an ad hoc basis;
3. An aggregate majority of those meeting shall at all times be Neighborhood Council board members;
4. The initial focus of this group shall be to develop and incorporate rules under the City's recently adopted Workplace Violence Policy into the existing Code of Conduct, including appropriate enforcement actions;
5. Discussion about incorporating the proposed Workplace Equity Policy shall be deferred until such a policy is formally adopted by the City, if at all; and
6. Any amendments to the Code of Conduct must take into account varying degrees of conduct when considering suspension and appropriate penalties, if warranted.
7. At all times, policy should require that the minimum correction necessary to address any issue be used;
8. No person shall be suspended or otherwise penalized for that which is protected political speech.
9. No board member or Neighborhood Council affiliate shall be required to waive rights granted under the Constitution of the United States and the State of California, including but not limited to freedom of speech and assembly, probable cause and due process.