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**PATRICIA BATES**  
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Sergeant at Arms

## ENC BY-LAWS COMMITTEE 2016 RECOMMENDED CHANGES

The By-Laws Committee at its October 18, 2016 meeting voted:

(a) to unanimously approve, ratify and recommend approval of proposed changes in the By-Laws and Standing Rules adopted at its June 29, July 22 and

September 13, 2016 meetings, subject to amendments and corrections and said changes with the inclusion of the amendments and corrections are set forth herein below.

(b) unanimously to approve and recommend approval of the additional proposed changes set forth

herein below and indicated by an asterisk (\*).

(c) by vote of Yes 2 (Silk and Bailey) to 1 (Gamson) to approve and recommend approval of the additional change set forth as Proposal 4.

The proposed items are numbered for convenience in discussion.

Guide to reading this document:

The following recommendations have been put forth by the Encino Neighborhood Council By-Laws Committee and have been edited in style but not in substance to clarify the intentions of the amendments of the By-Laws and Standing Rules of the Encino Neighborhood Council.

Text that has been **bolded** represents proposed new language. Text that has been struck through (~~like this~~) is the existing text that will be replaced and/or removed pending the approval of the proposed amendments. In the case where formatting dictates wording be bolded and the section is mostly new text the text to remain bolded will be underlined

## PROPOSED AMENDMENTS TO THE BY-LAWS OF THE ENCINO NEIGHBORHOOD COUNCIL

### PROPOSED AMENDMENTS TO ARTICLE V: GOVERNING BOARD

1. PROPOSAL: The ENC shall amend Article V Governing Board Section 1 sentence 2 Composition regarding Board of Directors to change the second sentence describing requirements for candidates to read as follows (the additional words added are bolded for emphasis):

“Candidates must be an eligible Stakeholder **who lives, works, or owns property within the Encino Neighborhood Council Boundaries or who** is a member of an organization fitting the category in which the candidate is running **as more specifically described in subsection 1A-G**

2 PROPOSAL: The ENC shall amend Article V Section 1A enumerating the elected organization representative and alternates (8) to read as follows. The amendment includes a description of each organization, the manner in which a candidate is eligible for each organizational seat and the eligibility of stakeholders to vote for said seats. The amendment uses the word “education” and deletes the prior reference to “educational”. The Amendment also deletes an enumeration of specific organizations that on the basis that this can and is more appropriately set forth in the Standing Rules.

“Open to a Representative and Alternate eighteen (18) years of age or older for each stakeholder category. All Stakeholders who live, work, or own property within the boundaries of the Encino Neighborhood Council are eligible to vote for the representatives of each of the seats set forth herein below.

**Proposal:** PROPOSAL: The ENC shall amend Article V Section 1-A enumerating the eight (8) elected organization representative and alternate seats as presented below. The Proposed changes in language would clarify definitions of the types of organizations that qualifies applicants to serve in each particular elected organizational seat, while removing the naming of specific qualifying organizations from the Bylaws for each seat and moves them to the proposed new Standing Rules Section 10 instead. This change is to provide for enhanced flexibility in the addition or removal of qualifying organizations within or serving areas with the boundaries of the Encino Neighborhood Council.

A. Elected Organization Representatives and Alternates (8) Open to a Representative and Alternate Representative eighteen (18) years of age or older for each stakeholder category below:

1. One (1) Apartment/Condo Representatives **who is an owner or tenant of an apartment or condo within the boundaries of the Encino Neighborhood Council.**
2. Two (2) Business Representatives, **who own business property, owns, works or Volunteers at a business within the boundaries of the Encino Neighborhood Council.** ~~such as, but not limited to, Encino Business Improvement District,~~

~~Encino Business Property Owners, or any employee, volunteer or business owner.~~

3. One (1) Public Safety Representative, **who is a member of a public safety organization that meets regularly within the boundaries of the Encino Neighborhood Council, as well as an organization (including but not limited to the West Valley Police Station) that has jurisdiction of an area within the boundaries of the Encino Neighborhood Council.** ~~such as, but not limited to, Encino Hospital, Neighborhood Watch Groups, and the West Valley Community Policy Advisory Board.~~
4. One (1) Park Advocate/Environment Representative **who is an active member with a park, recreation or environmental group that is located or regularly meets within the boundaries of the Encino Neighborhood Council** ,~~such as, but not limited to, San Fernando Valley Audubon Society, Balboa Sports Center Park Advisory Board, Encino Community Center Park Advisory Board, Friends of Encino Park, the Japanese Garden Advisory Board, Friends of Lake Balboa, Los Encinos State Historic Park, Sepulveda Basin Off Leash Dog Park PAB, Sepulveda Basin Wildlife Areas Steering Committee, and the Sepulveda Garden Center Gardeners.~~
5. One (1) Religious Organization/Institution Representative, **who is a member of the clergy, employee, member or ongoing volunteer of a religious institution (including any religious school or organization of the religious institution) that is located within the boundaries of the Encino Neighborhood Council.** ~~such as, but not limited to, Chabad of Encino, First Presbyterian Church of Encino, Holy Martyrs Armenian Church, Lady of Grace Church, St. Cyril Jerusalem Catholic Church, St. Nicholas Episcopal Church, and .~~
6. One (1) Volunteer/Service Group Representative, **who is an active member, employee, or ongoing volunteer of a volunteer service group (including but not limited to a group serving seniors, youth or veterans) that is located or regularly meets within the boundaries of the Encino Neighborhood Council, as well as the Encino-Tarzana Branch Library.** ~~such as, but not limited to, Encino Little League, Friends of the Encino Tarzana Library and Sisters of Social Service.~~
7. One (1) Education Representative **who is an officer, employee, ongoing volunteer or parent or guardian of a currently enrolled student at a public or private school located within the boundaries of the Encino Neighborhood Council.** ~~Educational Representative, such as, but not limited to, PTSA and/or Boosters, and Berkeley Hall School, Crespi Carmelite High School, The Curtis School, Emelita Elementary School, Encino Elementary School, Friends of Lanai, Hesby Oaks School, Holy Martyrs Armenian School, Lady of Grace School, Lanai Road School, Los Encinos School, Lull Special Education Center, Milken Community High School, Temple Nei Maarav Nursery School, Torat Hayim Nursery School, St. Cyril School, and Valley Beth Shalom School.~~

So that they read as follows:

1. One (1) Apartment/Condo Representatives who is an owner or tenant of an apartment or condo within the boundaries of the Encino Neighborhood Council.
2. Two (2) Business Representatives, who own business property or own or work at a business within the boundaries of the Encino Neighborhood Council.
3. One (1) Public Safety Representative, who is a member of a public safety organization that meets regularly within the boundaries of the Encino Neighborhood Council, as well as an organization (including but not limited to the West Valley Police Station) that has jurisdiction of an area within the boundaries of the Encino Neighborhood Council.
4. One (1) Park Advocate/Environment Representative who is an active member with a park, recreation or environmental group that is located or regularly meets within the boundaries of the Encino Neighborhood Council.
5. One (1) Religious Organization/Institution Representatives, who is a member of the clergy, employee, member or ongoing volunteer of a religious institution (including any religious school or organization of the religious institution) that is located within the boundaries of the Encino Neighborhood Council.
6. One (1) Volunteer/Service Group Representative, who is an active member, employee, or ongoing volunteer of a volunteer service group (including but not limited to a group serving seniors, youth or veterans) that is located or regularly meets within the boundaries of the Encino Neighborhood Council, as well as the Encino-Tarzana Branch Library.
7. One (1) Education Representative who is an officer, employee, ongoing volunteer or parent or guardian of a currently enrolled student at a public or private school located within the boundaries of the Encino Neighborhood Council.

3. PROPOSAL: The ENC shall amend Article V Section 1-D regarding At Large Representatives to read as follows:

- D. At Large Representatives and Alternates (2) - Open to two (2) representatives and two (2) alternates** eighteen (18) years of age or older **elected by all eligible stakeholders including community interest stakeholders.**

Replacing the existing:

“Open to two (2) stakeholders eighteen (18) years of age or older and Alternates elected by all eligible stakeholders. Candidates must be an eligible stakeholder”

- D. At Large Representatives and Alternates (2) - Open to two-(2) representatives and two (2) alternates**~~stakeholders~~ eighteen (18) years of age or older ~~and Alternates~~ elected by all eligible stakeholders **including**

**community interest stakeholders.**—Candidates must be an eligible stakeholder

\*4. PROPOSAL: The ENC shall amend Article V by adding a subsection G entitled “Non-Voting Youth Member” to read as follows:

**G. Non-Voting Youth Member - The Board by majority vote shall appoint a person living within the Encino Neighborhood Council boundaries who shall at the time of the appointment be between 16 and 22 years of age. The person so designated shall have the same rights as a board member except will not be able to vote and shall not be counted in determining a quorum.**

5 PROPOSAL: The ENC shall amend Article V Section 3 regarding official action to change abstentions from counting as a ‘yes’ vote to counting as a ‘no vote’ so that the section will read as follows

“A simple majority vote by the Board members present, including abstentions which act as a ‘**no vote**’ at a meeting in which there is a quorum shall be required to take official action unless specified otherwise in these By-laws.”

6 PROPOSAL: The ENC shall amend Article V Section 7 regarding removal for Absences to include Alternates and specify the period covered by the section so that it reads as follows: “Any **representative or alternate** who misses four (4) total regularly scheduled Board meetings during any twelve (12) month period **after the most recent board election** will be automatically removed from the Board. Each **representative or alternate absence** shall be recorded in the Council’s meeting minutes or other manner of Council record keeping and that, upon missing the required number of Board meetings for removal the Council Presiding Officer shall notify the **representative or alternate** and provide notice to that **representative or alternate** that their seat has been declared vacant., Any regular meeting of the Board scheduled and noticed under the Brown Act, shall constitute a meeting for the purpose of determining **representative or alternate** attendance. “

7 PROPOSAL: The ENC shall amend Article V Section 9B regarding removal on petition by board to change the requirement of Board members signing the petition from 3 to 5 so that (iii) setting forth a requirement of the petition will read:

“(iii) contains the signature of at least ~~three (3)~~ **five (5)** Board members.”

8 PROPOSAL: The ENC shall amend Article V Section 9-B (2) regarding the vote required for removal by the Board from a majority to two-thirds so that the sentence will read:

“Removal of the identified Board member requires a **two-thirds** majority of the attending Board members.”

## PROPOSED AMENDMENT TO ARTICLE VI: OFFICERS

9. Amendment to Article VI Section 4 regarding Officer Terms to amend the first sentence: "The Officers shall serve year terms and serve at the pleasure of the Board."

PROPOSAL: The ENC shall amend Article VI Section 4 of its By-Laws by adding "**one (1)**" and deleting "serve at the pleasure of the board" so the sentence shall read: "Officers shall serve **one (1)** year terms."

## PROPOSED AMENDMENTS TO ARTICLE VII: COMMITTEES AND THEIR DUTIES

10. PROPOSAL: The ENC shall amend Article VII Section 3-B regarding Committee Structure to specifically require Alternates to serve on committees and changing the word "Chairman" to "Chairperson" so the section reads as follows with new words bolded for emphasis:

- A. Committee Structure - - With the exception of the Executive Committee, Committee membership shall be open to all Board members and Stakeholders. Standing Committees shall be comprised of at least two (2) Board members and may include any interested Stakeholders. Ad Hoc Committees shall be comprised of five (5) or less Board members and may include any interested Stakeholders. Each committee shall consist of not more than nine (9) persons, provided that there shall not be more than five (5) voting members that are Representatives and/or Alternates and shall, to the extent possible, include at least one (1) voting member Stakeholder who is not an elected member of the Board. Each ~~Board member~~ **representative or alternate** shall join at least one (1) committee by the second meeting of the Board after an Election. If more than nine (9) persons desire to serve on a committee, the ~~Chairman~~ **Chairperson** shall select the individuals to serve and may designate up to three (3) alternate committee members in order of priority to serve in the absence of a voting committee member.

\* 11. PROPOSAL: The ENC shall amend Article VII Section 3C providing in the second sentence that only Committee members who are Board members are eligible to serve as Chair of a committee and the fourth sentence providing no alternate may be appointed to be a chair person until all elected board members on the committee have declined to become the chair person by substituting the existing text:

~~Only those Committee members who are Board members or Alternates are eligible to serve as Chairman of a committee~~

With the following:

**"Only Board members may be appointed to serve as Chairperson of a committee except: (i) if all elected representatives have declined to serve to be the chair of a Committee in which event an alternate may be appointed and (ii) if all alternates have also declined to be the chair, a stakeholder may be appointed."**

So that it reads as follows:

- C. **Committee Appointment** - All Committee Chairs shall be appointed by the Vice President and confirmed by the Board. ~~Only those Committee members who are~~

~~Board members or Alternates are eligible to serve as Chairman of a committee~~  
**Only Board members may be appointed to serve as Chairperson of a committee except: (i) if all elected representatives have declined to serve to be the chair of a Committee in which event an alternate may be appointed and (ii) if all alternates have also declined to be the chair, a stakeholder may be appointed.** The Chairs shall keep a written record of Committee meetings and shall provide regular reports on Committee matters to the Board. ~~No Alternate may be appointed to be a chairperson of a committee until all elected Board members on the committee have declined to become the chairperson.~~ Each member of a committee shall continue until a successor is appointed, unless the committee is terminated. All committees shall run concurrently with the two (2) year election cycle and each member shall be eligible for reappointment as long as they remain eligible stakeholders.

12 PROPOSAL: The ENC shall Add as new Article VII Section 3F entitled:” **Priority in Appointment of Committee Members**” to read as follows:

**“F. Priority in Appointment of Committee Members - Committee chairs shall appoint members of their Committee with priority to both voting members and alternates who are not serving on any other committee.”**

13 PROPOSAL: The ENC shall Renumber present Article VII Section 3F regarding Removal of Committee Members to Section 3G and delete reference to excused absences and clarify period of time so the sentence will read as follows: ”

**G. Removal of Committee Members** – Committee members may be removed if the member has **three (3) consecutive absences during the current two year term** ~~two (2) unexcused absences or four (4) absences, whether or not excused, during any twelve (12) month period.~~

PRPROPOSED AMENDMENTS TO ARTICLE X: ELECTIONS

14. PROPOSAL: The ENC shall amend Article X Section 3 regarding Minimum Voting Age by changing “eighteen ( ) and above” so the section will read as follows:

**Section 3: Minimum Voting Age** - All community stakeholders aged eighteen (**18**) and above shall be entitled to vote in the Council elections.

15. PROPOSAL: The ENC shall amend Article X Section 6 regarding Other Election Related Language to update the first and next to last sentences by changing “Alternate Representative” to “Alternates.” So that is reads as follows:

**Section 6: Other Election Related Language-** ~~Alternate Representatives~~ **Alternates** are selected in the following manner: the candidate receiving the second highest number of votes at the election (or third or fourth highest number of votes for the two (2) Business and At-Large positions) shall be the ~~Alternate Representatives~~ **Alternates**. If

the second highest vote recipient declines the position as Alternate, then it shall be offered to the next highest vote recipient and so on until an acceptance is received.

\*16 PROPOSAL: The ENC shall amend Article X Elections by adding the following as Section 7 entitled "Elected Organization Seats" the following: Standing Rules shall specify organizations and institutions that qualify under Article V Section 1A for organizational seats set forth in subsection (c ) Any revisions shall be made at least 4 months before an election for board seats."

**Section 7: Elected Organization Seats – Section 10 of The Standing Rules shall specify organizations and institutions that qualify under Article V Section 1-A for Elected Organizational seats set forth in subsection (c ) Any revisions shall be made at least 4 months before an election for board seats.**

17 PROPOSAL: The ENC shall amend Article XIV Section2 to replace the word "provided" to "required" so it reads as follows:

**Section 2: Training** – All Board members shall take training in the fundamentals of Neighborhood Council, including, but not limited to, ethics, funding, workplace violence and sexual harassment trainings ~~provided~~ **required** by the City within forty-five (45) days of being seated, or they will lose their Council voting rights. All board members must take ethics and funding training prior to making motions and voting on funding related matters

#### PROPOSED AMENDMENTS TO STANDING RULES

PROPOSAL 101 Amend Paragraph 5B and 5G to add the word 'gender' so the sections will read as follows (with additions bolded text)

"B Treat each member so the board and members of the public with respect at all times, regardless of an individual's opinion, ethnicity, race, **gender**, sexuality, age, disability or religion."

"G Derogatory language about an individual's ethnicity, **gender**, sexuality, age, disability or religion is not acceptable."

PROPOSAL 102 Amend Paragraph 9's 3<sup>rd</sup> sentence regarding minority statement to read as follows;

" Should there not be a consensus on an issue **the Board could require that a Minority Statement be included on any given item on a Case by Case basis,** ~~then a Majority Statement and a Minority Statement will be included in the CIS.~~

\*PROPOSAL 103 Creation of Section 10 entitled "Qualifying Organizations for Elected Organizational Seats"



” the following:

## 10. QUALIFYING ORGANIZATIONS FOR ELECTED ORGANIZATIONAL SEATS

- a. The list of organizations that qualify stakeholders to run or vote for Elected Organization Seats of the Education Representative, Park Advocate/ Environmental Representative, Public Safety Representative, Religious Organization/Institution Representative, and Volunteer Service Group Representative Seats originally included in Article V Section 1A of the Bylaws have been moved to part (c) of this section of the Standing Rules in order to allow for greater flexibility in curation and management of the lists of qualifying organizations to allow for greater inclusiveness.
- b. Any revisions to the following lists shall be made no later than 4 months before an election for board seats.
- c. The list of qualifying organizations institutions within the boundaries of the Encino Neighborhood Council that qualifies stakeholders includes but is not limited to the following:

### **(I) Education Representative**

- Member of, employee or otherwise involved with an educational institution such as (but not limited to): PTSA and/or Boosters, Berkeley Hall School, Crespi Carmelite High School, The Curtis School, Emelita Elementary School, Encino Charter Elementary School, Friends of Lanai, Hesby Oaks School, Holy Martyrs Armenian School, Our Lady of Grace School, Lanai Road Elementary School, Westmark School, Los Encinos School, Lull Special Education Center, Milken Community High School, Torat Hayim Nursery School, St. Cyril School, Valley Beth Shalom School and who is 18 years or older.

### **(II) Park Advocate/Environment Representative**

- San Fernando Valley Audubon Society, Balboa Sports Center Park Advisory Board, California Native Plant Society, LA/SMM Chapter, Encino Community Center Park Advisory Board, the Japanese Garden Docents, Los Angeles Cactus and Succulent Society, Los Encinos Docent Association, Friends of the Sepulveda Basin Park, Sepulveda Basin Wildlife Areas Steering Committee, Sepulveda Garden Center Gardens and Southern California Garden Club.

### **(III) Public Safety Representative**

- Codewatch Representative, Encino Hospital, Neighborhood Watch Groups, West Valley Community Police Advisory Board and West Valley Gray Squad.

### **(IV) Religious Organization/Institution Representative**

- Member of, or otherwise involved with a religious organization/institution such as (but not limited to): Chabad of The Valley Encino, Torat Hayim and Valley Beth Shalom, Makom Ohr Shalom, Shuva Israel, Beit Mitzvah, Nachshon Minyan, Netaneli Synagogue, Heiche Moche; First Presbyterian Church of Encino, Holy Martyrs Armenian Church, Our Lady of Grace Church, St. Cyril Jerusalem Catholic Church, St. Nicholas Episcopal Church, The Covenant Church, Bethel Encino ELCA Church, Bel Air Presbyterian Church, Bahia International, Carmelite Fathers

**(V) Volunteer Service Group Representative**

Encino Little League, Friends of Encino-Tarzana Library and Sisters of Social Service