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## Van Nuys Neighborhood Council



## Van Nuys Neighborhood Council Special General Board Meeting

Wednesday, March 30, 2022  
7:00PM

Zoom meeting online or by  
telephone

Please click the link below  
to join the Meeting:

<https://us02web.zoom.us/j/83366296988>

Dial **(669) 900-6833** to join the meeting

Enter Meeting ID: **833 6629 6988**

Press#

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Van Nuys  
Neighborhood Council  
P.O. Box 3118  
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In Conformity With The September 16, 2021 Enactment Of California Assembly Bill 361 (Rivas) And Due To Concerns Over Covid-19, Special General Board Meeting Of Van Nuys Neighborhood Council Will Be Conducted Telephonically And Internet Based Via Zoom.

Members of the public who wish to listen to the meeting or participate in public comment to the Committee via telephone should call (669) 900-6833 or one of the following Toll-Free Telephone Numbers: (833) 548 0282, (888) 475 4499 use Meeting **ID No. 833 6629 6988** then press #. Press # again when prompted for participant ID. When you have a question for the Host, you can Raise Hand by pressing \*9, when called on to talk, you can mute/unmute by pressing \*6.

**PUBLIC INPUT AT NEIGHBORHOOD COUNCIL MEETINGS** The public is requested to dial \*9 if participating by phone or "Raise Hand" if participating by computer, when prompted by the presiding officer, to address the Board on any agenda item before the Board takes an action on an item. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the agenda that are within the Board's jurisdiction will be heard during the General Public Comment period.

Please note that under the Brown Act, the Board is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future Board meeting. Public comment is limited to a maximum of 2 minutes per speaker per item with a maximum of 10 minutes total per meeting, unless adjusted by the presiding officer of the Board. **Speakers shall limit their comments to matters relevant to the item on the agenda. The Chair may rule that the speaker is out of order if the comments are not germane to the item under consideration.**

#### **AB 361 Updates -**

Public comment cannot be required to be submitted in advance of the meeting; only real-time public comment is required. If there are any broadcasting interruptions that prevent the public from observing or hearing the meeting, the meeting must be recessed or adjourned. If members of the public are unable to provide public comment or be heard due to issues within the Neighborhood Council's control, the meeting must be recessed or adjourned

#### **1. Roll Call – Pledge of Allegiance**

Discussion and possible action to amend the Bylaws of the Van Nuys Neighborhood Council (version approved 11/12/20 by DONE):

#### **2. Proposed amendments from the Government Affairs and Bylaws Committee to correct typos and grammatical errors.**

- a) Amend Article I, Name, to correct misspelling of "Neighborhood" (misspelled as "Neighborhood").
- b) Amend Article VIII, Meetings, Section 4 Reconsideration by removing item F (which is a duplicate of item E) and changing letter designation of item G to F.
- c) Amend Article VII, Committees and Their Duties, Section 3, Committee Creation and Authorization, Item D, Committee Meetings, sentence 2 to read "provide regular reports on Committee matters to the Board" rather than "on the Board."

#### **3. Proposed amendments from the Government Affairs and Bylaws Committee to match the mandatory sections in the DONE's Bylaws template. See Appendix to this document for mandatory DONE language.**

- a) Amend Article V, Governing Board, Section 8 (Censure) and Section 9 (Removal) by deleting the current language and substituting the language provided by DONE.
- b) Amend Article XI, Grievance Procedure, by deleting the current language and substituting the language provided by DONE.

#### **4. Proposed amendment from the Executive Committee**

- a) Change all references in the Bylaws from "the Board" to "the Council."
- b) Change all references in the Bylaws from "Board members" to "Council members."

#### **5. Proposed amendment from the Government Affairs and Bylaws Committee to include background checks in the application process where VNNC will reimburse no more than \$25.00 to applicants.**

*Presentations:*

- *Richard Hopp, stakeholder*

[https://vnnc.org/wp-content/uploads/2022/03/14-0746\\_ORD\\_184652\\_12-9-16.pdf](https://vnnc.org/wp-content/uploads/2022/03/14-0746_ORD_184652_12-9-16.pdf)

<https://vnnc.org/wp-content/uploads/2022/03/All-of-Us-or-None-Riverside-Chapter-et-al.-v.-Hamrick-et-al.-Ct-of-App-4th-D076524.pdf>

<https://vnnc.org/wp-content/uploads/2022/03/Fingerprint-Background-Checks--State-of-California-Department-of-Justice-Office-of-the-Attorney-General.pdf>

<https://vnnc.org/wp-content/uploads/2022/03/Sec-407-Eligibility-for-Office.pdf>

<https://vnnc.org/wp-content/uploads/2022/03/AB-1008-Employment-discrimination-conviction-history.pdf>

<https://vnnc.org/wp-content/uploads/2022/03/Enforcement-Guidance-on-the-Consideration-of-Arrest-and-Conviction-Records-in-Employment-Decisions-under-Title-VII-of-the-Civil-Rights-Act--U.S.-Equal-Employment-Opportunity-Commission.pdf>

[https://vnnc.org/wp-content/uploads/2022/03/FairChanceActFAQ\\_ENG.pdf](https://vnnc.org/wp-content/uploads/2022/03/FairChanceActFAQ_ENG.pdf)

<https://vnnc.org/wp-content/uploads/2022/03/FinalTextEmployRegCriminalHistory-CFRA-NewPLA.pdf>

- *NEA Lorenzo Briceno to provide DONE statement.* <https://vnnc.org/wp-content/uploads/2022/03/Lorenzo-Email.pdf>

**6. Proposed amendments from the Government Affairs and Bylaws Committee to make changes in the number and description for Member categories.**

a) Amend Article V, Governing Board, Section 1 Composition as follows:

1) Amend item H by reducing from 4 to 2 the number of members who must be “at large commercial business owners or employees”

2) Amend item E by increasing from 2 to 4 the number of members who must be “at large residents.”

*Opportunity to present Pro and Con Opinions*

b) Amend Appendix B, Government Board Structure and Voting, to expand the statement of qualifications for “school representative” to include an employee or a parent volunteer from a specific school and add the same language to Article V, Section 1, Item M (which current has no statement of qualifications).

Current statement of qualifications for a “school representative” is as follows: “A stakeholder who is an employee of a school located within the VNNC boundaries and who is 18 years or older.”

Revised statement of qualifications would read: “A stakeholder who is an employee or a parent volunteer at a school located within the VNNC boundaries and who is 18 years or older.”

*Opportunity to present Pro and Con Opinions*

**7. Proposed amendment from the Government Affairs and Bylaws Committee to make a change in Committee responsibilities**

a) Amend Article VII, Committee, Section 1, Standing (i.e. description of Standing Committees) by removing "and transportation" from the responsibilities of the Planning and Land Use Management Committee.

Current statement of PLUM Committee responsibilities is as follows: “Oversees planning, zoning and land-use, and transportation issues affecting the VNNC, including

Revised statement of PLUM Committee responsibilities would read as follows: “Oversees planning, zoning, and land-use issues affecting the VNNC, including proposals for new developments, zoning and planning, land entitlements, conditional use permits, special uses, alcohol license, design and policy.”

*Opportunity to present Pro and Con Opinions*

Mandatory Bylaws Language from DONE template

Section 8: Censure

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This section cannot be changed since this is direct language from the Board of Neighborhood Commissioners (BONC) Resolution on a [Uniform Policy for Board Member Censure - Policy 2020-03 \(Eff. 03-03-2020\)](#).

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The purpose of the censure process is to place a Board Member on notice of misconduct and to provide the Board Member with an opportunity to correct the misconduct. The Neighborhood Council may censure any Board Member at a regular or special meeting open to the public following a good-faith determination by the Board that the member has engaged in conduct that is contrary to rules and regulations applicable to the Board or that impedes the orderly business of Board operations.

Grounds for censure include, but are not limited to, persistent disruptive conduct at meetings, violations or abuses of the Board’s bylaws or rules, violations of the Code of Conduct, acting on behalf of the Board without authorization, and misuse or abuse of the censure or removal process by acting in bad faith.

The Board shall use the following procedure when censuring a Board Member:

1. A motion to censure a Board Member may be initiated by any three (3) Board Members. Those Board Members shall not constitute a majority of the quorum of any Neighborhood Council body, such as a committee. The motion shall be delivered to any officer of the Board or a specific officer or member of the Board as may be specified in the bylaws or

standing rules of the Neighborhood Council. The motion shall be in writing and provide the specific facts and grounds for the proposed censure including the date(s) and specific conduct relied upon for the motion. The motion shall not be based upon conclusions, e.g., “for alleged violations of the Code of Conduct” but shall contain factual statements that describe conduct only and is not intended to embarrass or humiliate the board member.

2. The Board Member, group of Board Members or committee responsible for setting the final Board agenda shall include the motion on the agenda of the next regular or special Board meeting scheduled at least thirty (30) days following the delivery of the proposed censure motion.
3. The Board Member subject to censure shall be given a minimum of thirty (30) days prior-written notice, which may include email sent to the last email address on file with the Neighborhood Council, of any meeting at which the motion to censure will be considered. The notice shall provide the specific facts and grounds for the proposed censure as specified in 1 above. The Board shall also provide a copy of the notice to the Department of Neighborhood Empowerment a minimum of thirty (30) days prior to the meeting at which the motion to censure will be considered.
4. The Board Member subject to censure shall be given a reasonable opportunity to be heard at the meeting, either orally or in writing, prior to the Board’s vote on a motion of censure.
5. The Board shall decide by a majority vote of those present and voting whether or not the Board Member should be censured. The Board Member who is the subject of the censure motion shall not be counted as part of the majority present and voting and shall not be allowed to vote. For the purpose of censure motions, abstentions shall not be counted as votes.

In no event shall a motion to censure a Board Member be heard by the Neighborhood Council within sixty (60) days of the next scheduled Board election or selection. Section 9: Removal

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This section cannot be changed since this is direct language from the Board of Neighborhood Commissioners (BONC) Resolution on a [Uniform Policy for Board Member Censure - Policy 2020-03 \(Eff. 03-03-2020\)](#).

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Any Board Member may be removed by the Neighborhood Council for cause, following a good faith determination by the Board that the member has engaged in conduct that is contrary to rules and regulations applicable to the Board or that impedes the orderly business of Board operations. A Board Member shall not be subject to removal under this Policy, unless the member has been censured at least once pursuant to the Commission Censure Policy. Grounds for removal include, but are not limited to, persistent disruptive conduct at meetings, violations or abuses of the

Board's bylaws or standing rules, violations of the Code of Conduct, acting on behalf of the Board without authorization, and misuse or abuse of the censure or removal processes by acting in bad faith.

The Board shall use the following procedure when removing a Board Member:

1. A motion to remove a Board Member may be initiated by any three (3) Board Members. Those Board Members shall not constitute a majority of the quorum of any Neighborhood Council body, such as a committee. The proposed motion shall be delivered to any officer of the Board or a specific officer or member of the Board as may be specified in the bylaws or standing rules of the Neighborhood Council. The motion shall be in writing and provide the specific facts and grounds for the proposed removal action including the date(s) and specific conduct relied upon for the motion. The motion shall not be based upon conclusions, e.g., "for alleged violations of the Code of Conduct" but shall contain factual statements that describes conduct only and is not intended to embarrass or humiliate the Board Member. The motion to remove shall also include a copy of the prior censure motion and the date it was passed.
2. The Board Member, group of Board Members or committee responsible for setting the final Board agenda shall list and briefly describe the motion on the agenda of the next regular or special Board meeting scheduled at least thirty (30) days following the delivery of the proposed removal motion.
3. The Board Member subject to removal shall be given a minimum of thirty (30) days prior written notice, which may include email sent to the last email address on file with the Neighborhood Council, of any meeting at which a motion to remove will be heard. The notice shall provide the specific facts and grounds for the proposed removal as specified in 1 above. The Board shall also provide a copy of the notice to the Department of Neighborhood Empowerment a minimum of thirty (30) days prior to any meeting at which a motion to remove will be considered.
4. The Board Member subject to removal shall be given reasonable time to be heard at the meeting, either orally or in writing, prior to the Board's vote on a motion for removal.
5. The Board shall decide whether or not the Board member should be removed by an affirmative vote of two-thirds (2/3) of the currently sitting Board Members. The Board Member who is the subject of the removal motion shall not be allowed to vote and shall not be counted when determining the two-thirds (2/3) majority vote. For the purpose of the removal motion, abstentions shall not be counted as votes.
6. In no event shall a motion to remove a Board Member be heard by the Neighborhood Council within sixty (60) days of the next election or selection.

7. The Commission may review a Neighborhood Council's removal decision if requested to do so by the affected Board Member. Once the request is made for the Commission to review the decision to remove, the Neighborhood Council voting to remove the board member may not fill the vacancy created by the removal until the Commission has made a decision on whether the removal was proper or the Commission declines to review the matter. The Commission's decision whether to hear or decline to hear the removal review request shall be sent in writing to the requestor and the Neighborhood Council within 30 days after the request for review is delivered.
8. A request for the Commission to review a Neighborhood Council's removal decision shall proceed as follows:
  - a. The request must be in writing and must be delivered to the Executive Assistant of the Commission or, in the absence of an Executive Assistant, to the President of the Commission within thirty (30) days of the date of the action by the Neighborhood Council to remove the Board member.
  - b. The request must state the basis for the review. The request shall not cite or present any evidence not considered by the Neighborhood Council but must address only procedural deficiencies.
  - c. If the Commission determines the request for review raises sufficient questions regarding procedural deficiencies and agrees to hear the review, it will be placed on the agenda of a regular or special meeting of the Commission within sixty (60) days of receipt of the request for review.
  - d. At the review the Commission will determine if the facts as presented support the removal motion and if the procedures set out in this policy were correctly applied.
  - e. If the Commission determines that there were either factual or procedural deficiencies, the Commission may either reinstate the Board Member or return the matter to the Neighborhood Council for further consideration.
  - f. If the Commission returns the matter for further consideration and the Neighborhood Council does not act within sixty (60) days of the Commission's decision the Board Member will be considered reinstated.
  - g. During the period of appeal the Board Member shall not be counted as part of the Board for any quorum and shall not participate in any Board actions.
  - h. If the matter is returned to the Neighborhood Council for further consideration the Board Member shall not be counted as part of the Board for any quorum and shall not participate in any Board actions until the Board takes action as requested.

by the Commission or until the expiration of the sixty (60) day time period.

9. This policy is not intended to restrict or eliminate a Neighborhood Council's ability to remove or render ineligible to serve, Board Members who fail to attend meetings, join committees, maintain their stakeholder status, or perform other duties as may be described in the Neighborhood Council's bylaws and/or standing rules. Nor is it intended to limit a Neighborhood Council's ability to remove committee chairs or committee members according to the Neighborhood Council's bylaws and/or standing rules.

## ARTICLE XI GRIEVANCE PROCESS

This article makes reference to the [Los Angeles Administrative Code \(L.A.A.C.\) 22.818](#). We strongly recommend the following language to be in compliance with the Administrative Code.

### **Grievances Submitted by a Stakeholder**

- A. Any Grievance by a Stakeholder must be submitted to the Department's Grievance Portal so that the Department may determine whether such Grievance conforms with the [Los Angeles Administrative Code \(L.A.A.C.\) 22.818](#) Subsections (c)(1) [Grievance Defined] and (c)(2) [Exclusions].
- B. Once the Department certifies the Grievance, the Board will be notified. Such certification of the Grievance by the Department shall not be construed as a statement regarding the validity or invalidity of the Grievance.
- C. After receiving a certified Grievance from the Department, the Board must, at its next regular or special meeting, but not more than 60 calendar days from the communication from the Department, take one of the following actions:
  - a. Consider the Grievance in accordance with a Grievance process specified in the Board's Bylaws and issue a decision to sustain and cure or reject the Grievance in whole or in part; OR
  - b. Waive consideration of the Grievance and request the Department to forward the Grievance directly to a Regional Grievance Panel for consideration.
- D. Any inaction by the Board passing the 60 calendar days will waive consideration of the Grievance and the Department shall forward the Grievance to the Regional Grievance Panel in accordance with [L.A.A.C. 22.818](#) Subsection (d)(5).
- E. Only the Grievant may appeal a Board's decision pursuant to [L.A.A.C. 22.818](#)



Subsection (d)(2)(A). Such appeals must be filed with the Department on the portal within seven (7) calendar days from the date of the Board’s action on the certified Grievance. A Grievant may not appeal a decision by the Board to waive consideration of any or all Grievances.

**F. [INSERT Neighborhood Council Grievance Process or refer to Standing Rules for Process]\*\*\***

**Grievances Submitted by a Board Member**

- A. Any Grievance by a Board Member filed against their own Board will bypass consideration by the impacted Board, as set forth in [L.A.A.C. 22.818](#) Subsection (d)(2). The Department will forward a Grievance filed by a Board Member against their own Board directly to a Regional Grievance Panel for disposition, as specified in [L.A.A.C. 22.818](#) Subsection (d)(6).

**Regional Grievance Panel**

- A. When a certified Grievance is sent to a Regional Grievance Panel, the Board must appoint a Neighborhood Council Representative who shall present an opening argument (not to exceed 10 minutes) and a rebuttal (not to exceed 5 minutes) on behalf of the Neighborhood Council Board to the Panel.

\*\*\*Language from current VNNC Bylaws that could be inserted here:

Within fifteen (15) days of receipt of the grievance, the VNNC shall notify the person/person(s) making the grievance in writing of the date and time of the VNNC Board meeting at which the grievance shall be brought forward for discussion  
The Board shall appoint an ad-hoc committee of no less than three (3) Directors to investigate the grievance and prepare a recommendation for the Board.  
The recommendation from the ad-hoc committee shall be placed on the agenda of the next Board meeting for discussion and action. The person/person(s) filing the grievance shall be notified in writing of the date and time of this Board meeting.

**9. Adjournment**

**THE AMERICAN WITH DISABILITIES ACT** - As a 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 and other auxiliary aids and/or services, may be provided upon request. To ensure availability of services, please make your request at least 72 hours prior to the meeting you wish to attend by contacting VNNC by via email at: [info@vnnc.org](mailto:info@vnnc.org)

**PUBLIC POSTING OF AGENDAS** – VNNC agendas are posted publicly near the front door to the conference room of the Marvin Braude Constituents Building, 6262 Van Nuys Blvd, Van Nuys, CA 91401 and also online at [www.vnnc.org](http://www.vnnc.org). You can also receive our agendas via email by subscribing to L.A. City’s Early Notification System at <https://www.lacity.org/subscriptions>

**PUBLIC ACCESS OF RECORDS** – 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, 6262 Van Nuys Blvd, Van Nuys, CA 91401, at our website: <http://www.vnnc.org/> 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 via email: [info@vnnc.org](mailto:info@vnnc.org)

**RECONSIDERATION AND GRIEVANCE PROCESS** - For information on the VNNC’s process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the VNNC By-laws. The By-laws are available at our Board meetings and our website <http://www.vnnc.org>

**SERVICIOS DE TRADUCCION** - Si requiere servicios de traducción, favor de avisar al Concejo Vecinal 72 horas antes del evento. Por favor contacte a [info@vnnc.org](mailto:info@vnnc.org) por correo electrónico para avisar al Concejo Vecinal.

**Notice to Paid Representatives** - If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code §§ 48.01 et seq. More information is available at [ethics.lacity.org/lobbying](http://ethics.lacity.org/lobbying). For assistance, please contact the Ethics Commission at (213) 978-1960 or [ethics.commission@lacity.org](mailto:ethics.commission@lacity.org)

### **Neighborhood Council Board Member Oath**

We pledge to represent my neighborhood with dignity, integrity, and pride.  
I will encourage other points of view, even when they differ from my own.  
I will respect, value, and consider everyone's opinion.  
I will find the good in my neighborhood and praise it and promote it.  
To my neighbors, and to neighborhoods throughout the City of Los Angeles, I pledge to do this to the best of my ability.