Date: September 26, 2016

From: Marti Marshall, on By-Laws Committee, Resident

**To: Sylmar Neighborhood Council Board:** [board@sylmarnc.org](mailto:board@sylmarnc.org)

**cc: Parliamentarian, Derek Martin**: [derek.martin@sylmarnc.org](http://derek.martin@sylmarnc.org)

**cc: DONE Rep: Melvin Canas:** [melvin.canas@lacity.org](mailto:melvin.canas@lacity.org)

**Violation of the By-Laws by the Budget Committee and SNC Board\***

**Introduction:**

At the General Board Meeting on September 22, 2016 Item 22 & 23 were APPROVED by the Board.

22. Review and Adoption of the August Monthly Expenditure Report (MER)

23. Discussion and possible action to approve a Neighborhood Purpose Grant (NPG) in an amount not to exceed $1,000 to the YMCA’s Thanksgiving baskets program.

    Presented by Jane Stanton, Executive Director/VP – North Valley Family YMCA at Porter Ranch

**Data:**

In Item 22: Category 400: NPG $500 was APPROVED (along with the rest of the MER).

Item 23 on the SNC Agenda to approve $1000 NPG for the YMCA for Thanksgiving baskets was APPROVED.

**First**: When was this discussed at the Budget Committee? The last Budget Committee meeting was August 10th (per the SNC calendar).  This item (NPG grants) was NOT on the August agenda (no minutes posted on website as of yet, nor financial accounts \*). Since no meeting since then (there was NO agenda/minutes posted for a September  meeting on the Calendar and/or Budget Committee webpage), this item appears to NOT have been presented to the budget committee.

        \*Per the SNC By-Laws: Article IX Section C: All financial accounts and records shall be available for public inspection and posted on the Council website, if available.

**Second:** this item was NOT "submitted (with recommendations)" by the Budget Committee  (see Article VII Section 1 #B of the SNC By-Laws -  section below) so this violated the SNC By-Laws just in being on the Agenda as it was.

**Third**: How can this be? The Board  just approved and allocated $500 for the NPG (see Item #22 above: page 2 of the MER) and are now trying to spend $1000!!! There was NO discussion on where the remaining $500 funds the Board promised to give the YMCA were coming from!

**Fourth**:  How is this expenditure in line with the SNC By-Laws Purpose/Mission (see below)? How does spending $1000 of the Public 's dollars on food for one meal (Thanksgiving) for school children and their families fit into this?

                I understand people want to help.  However, the homeless (the YMCA mentioned targeting homeless students to give them baskets) is being more fully addressed by the City of LA and/or by our own SNC Homeless Committee. At this time of year, there are many places that reach out and help others; churches, charity organizations, businesses, etc. I do not believe this is a function of the SNC.

                So, WHY are these baskets targeted for the children in only ONE Sylmar Government School? The Government has many programs to help students and families (including lunches, etc.). Were any PRIVATE school children considered? Home Schooled children? Regular homeless people (not children)? Why are we picking and choosing?

                Per the SNC Policy from DONE (<https://empowerla.org/snc/>):

2. To remain non-partisan in regards to political affiliation and inclusive in our operations including, but not limited to, the elections process for governing body and committee members.

**Proposed Solution:**

The solution I see to this is that since it was not properly on the Agenda (see Second above) and there were not sufficient funds for this (see Third above), that this pledge for $1000 be rescinded.  Please consider a Motion for Reconsideration (I cannot request that: see below).

Sincerely,

Marti Marshall

\* Two of the SNC Board did not approve this: Dr. David Rodriguez and Hector Cabrera. (I don't know the final vote, may have been an abstention, too.)

**References:**

**By-Laws & Citywide Plan for NCs**

**SNC By-Laws: ARTICLE VII    COMMITTEES AND THEIR DUTIES**

Section 1:  Standing Committees – The Standing Committees of the Council are:

B:            The Budget Committee shall meet at least on a quarterly basis, or more often as needed, to review financial reports, create annual budgets, and receive, review and submit (with recommendations) committee funding requests and stakeholder grant applications to the Board for consideration.  The Committee shall present financial reports to the Board.

**SNC By-Laws:   ARTICLE II    PURPOSE**

Principles of Governance - The purpose of the Council is to participate as a body on issues concerning the Sylmar community and on issues regarding the governance of the City of Los Angeles (“City”) in a transparent, inclusive, collaborative, accountable and viable manner.

A. The **MISSION** of the Council is:

1. To promote the welfare, protect the interests, and serve as a voice for the Sylmar community with the City’s decision-making process for a better quality of life.
2. To provide an inclusive and open forum for public discussion of issues of interest to the Council, including City governance, the needs of the Council, the delivery of City services to the Council area, and other matters of a City wide nature;
3. To advise the City on issues of interest to the Council, including City governance, the needs of the Council, the delivery of City services to the Council area, and other matters of a City wide nature;
4. To initiate, execute and support projects for the physical, social and cultural improvement of the Council area; and
5. To facilitate communication between the City and Community Stakeholders on issues of concern to the community and/or the Stakeholders.

**SNC By-Laws:   ARTICLE VIII    MEETINGS**

**Section 4:  Reconsideration –** The Board may reconsider or amend its actions through the following Motion for Reconsideration process:

1. Before the Board reconsiders any matter, the Board must approve a Motion for Reconsideration. The Motion for Reconsideration must be approved by official action of the Board.  After determining that an action should be reconsidered, the Board has the authority to re-hear, continue, or take action on the item that is the subject of reconsideration within any limitations that are stated in the Motion for Reconsideration.
2. The Motion for Reconsideration must be brought, and the Board's approval of a Motion for Reconsideration must occur, either during the same meeting where the Board initially acted or during the Board's next regularly scheduled meeting or at a special meeting within these specified time frames to address a Motion for Reconsideration.
3. A Motion for Reconsideration may be proposed only by a Member of the Board who previously voted on the prevailing side of the original action that was taken by the Board (the "Moving Board Member").
4. The Moving Board Member may make the Motion for Reconsideration orally during the same meeting where the action that is the subject of reconsideration occurred, or by properly placing the Motion for Reconsideration on the agenda of a meeting that occurs within the allowed specified periods of time as stated above.
5. In order to properly place the Motion for Reconsideration on the agenda of the subsequent meeting, the Moving Board Member shall submit a memorandum to the Executive Committee in advance of the deadline for posting notices for the meeting.
6. A Motion for Reconsideration that is properly brought before the Board may be seconded by any Member of the Board.
7. This reconsideration process shall be conducted at all times in accordance with the Brown Act.

**PLAN FOR A CITYWIDE SYSTEM OF NEIGHBORHOOD COUNCILS**

**Article XI \*** **Neighborhood Purposes Grant Program**

Neighborhood councils that desire to make a grant of their public funds to a nonprofit corporation (excluding religious institutions) organized under 26 United States Code (U.S.C). section 501(c)(3) or to a public school, as authorized by Los Angeles Administrative Code sections 22.801(p) and 22.817, may make a final grant prior to making a final grant commitment and disburse funds to any grantee upon completion of the following:

**1. Governing Body Approval**

Any grant contemplated by a Certified Neighborhood Council shall be approved by action of the Certified Neighborhood Council’s Governing Body and shall be reflected in a written motion or resolution adopted by that body containing, in substance, the following details:

(a) The precise legal name of the recipient or grantee.

(b) The dollar amount of the grant.

(c) A description of the public purpose served by the grant.

**2. Administrative Processing**

After a Certified Neighborhood Council has approved a grant, evidenced by a written motion or resolution, a member of the Governing Body shall submit the following to DONE’s administrative office within 45 days:

(a) A written motion or resolution adopted by the Governing Body evidencing the body’s intention to make a grant.

(b) A Neighborhood Purposes Grant Program Application, as prescribed by DONE, which contains the information set forth in Section 1(a)-(c), above.

(c) Any additional information requested by DONE for it to evaluate the terms and legality of the proposed grant and a written grant agreement pursuant to the City’s contracting procedures.

**3. Grant Application Evaluation**

After receiving the Neighborhood Purposes Grant Program Application and documentation as set forth in Section 2 above, DONE shall forthwith evaluate the Certified Neighborhood Council’s proposed grant to determine as follows:

(a) Whether the proposed award or grant is being made to a nonprofit organization (excluding religious institutions) organized under 26 U.S.C. section 501(c)(3), or to a public school.

(b) Whether the proposed grant is for an identifiable public purpose, is consistent with the allowable expenditures under the Neighborhood Council Funding Program, and comports with all laws.

4. Grant Application Determination

(a) A decision by DONE to approve or deny a Certified Neighborhood Council’s proposed grant is final.

(b) DONE shall keep a record of all grants and, on behalf of the Certified Neighborhood Councils, prepare written contracts for all grants exceeding five thousand dollars ($5,000).

(c) The Commission shall approve all proposed grant contracts that exceed ($20,000) twenty-thousand dollars.

(d) Each grant application approved by DONE shall be treated as a separate neighborhood purposes grant.

(e) DONE shall ensure that the grant application process is transparent and that the identity of each grantee is retained and posted on the DONE website.

\*Added 08/06/08 per Council Resolution

California Constitution: Article One, Section 1:

"All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."