



Subject Re: Final Clarification of DLANC By-Laws provided regarding October 2013 DLANC Board meeting

From Darren Martinez <darren.martinez@lacity.org>

To General Jeff <issuesandsolutions@yahoo.com>
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Cc <patti.berman@dlanc.com>, Jay Handal <jay@empowerla.org>, Barry Stone <barry.stone@lacity.org>, Leyla Campos <leyla.campos@lacity.org>

Date 2013-11-06 10:56

Hello General Jeff,

The reason the board has this item on the agenda again is because you pointed out that the board did not have sufficient votes when it previously considered the matter.

If a board fails to take action, e.g., a motion fails to pass, then the board is free to re-hear the same matter. If the board failed to act on a matter, then it is not an issue involving "reconsideration" because there has not been any action by the board. The failure to adopt a motion supporting a project does not mean that the board has taken action opposing a project. If the board desires to specifically oppose a project, then that motion must be put before the board for adoption. Here, the board is undertaking the exact remedy you requested and it will re-hear the matter to ascertain if the board supports or opposes the project.

In addition, you should note that being a member in an organization does not automatically mean you have a conflict with every other person in that organization. Conflict of interest matters are fact specific. For example, you list a series of organizations at the bottom of your email, this does not mean that you are automatically precluded from hearing any issue that comes before your board involving a person or entity that is also a member in one of your organizations. It simply means that if you (or fellow board members) encounter this type of situation, you should contact our Office for advice. Also, as I mentioned to you previously, we do not share the confidential advice we provide one board member with other members of his board absent exigent circumstances that further the best interests of the City. If you have further concerns regarding your board's operations, you may wish to bring those matters to the attention of your board or the Department of Neighborhood Empowerment.

I'm copying this email to your board President and asking that she distribute this communication to all board members so that they are aware of our advice. Board members are cautioned not to "reply all" because you want to avoid any concerns with serial communications and should discuss this matter at the board's agenda meeting.

Please let Carmen or me know if you have any further questions regarding this matter.

Darren R. Martinez
Managing Deputy City Attorney -
Neighborhood Council Advice Division,
General Counsel Division
(213) 978-8132

On Tue, Nov 5, 2013 at 8:29 AM, General Jeff <issuesandsolutions@yahoo.com> wrote:

November 5, 2013

To City Attorney's Office.

In light of the new "reconsideration vote" determination announced during last night's DLANC Executive committee

meeting, the following information is being offered as a "guiding light";

After reviewing both Robert's Rules of Order and the DLANC by-laws, the following evidence is being presented as proof of my previous position that a "reconsideration" vote on DLANC October 8, 2013 Board agenda item 11.5 is NOT VALID and also NOT ELIGIBLE for another vote by ANY circumstance.

Please see below:

According to Robert's Rules of Order, an act of "reconsideration" is described as.....

Reconsider: Can be made only by one on the prevailing side who has changed position or view

THOUGHT #1 : Because there was NO ONE who changed their position, this option is NOT VALID!!!!

Also, in Robert's Rules of Order's official website's "Frequently Asked Questions" section, the following clarification is made regarding abstention votes.....

Question 6:

Do abstention votes count?

Answer:

The phrase "abstention votes" is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an "abstention vote."

In the usual situation, where either a majority vote or a two-thirds vote is required, abstentions have absolutely no effect on the outcome of the vote since what is required is either a majority or two thirds of the votes cast. On the other hand, if the vote required is a majority or two thirds of the members present, or a majority or two thirds of the entire membership, an abstention will have the same effect as a "no" vote. Even in such a case, however, an abstention is not a vote and is not counted as a vote. [RONR (11th ed.), p. 499, ll. 7-12; p. 491, ll. 8-11; p. 493, ll. 13-24; see also p. 66 of RONRIB.]

Please pay close attention to paragraph 2 , 2nd sentence where it statesif the vote required is a majority.....of members PRESENT,an abstention will have the same effect as a "NO" vote.....

By comparison, in DLANC's by-laws Article 5, Section 3 "Official Actions"-- A simple majority vote by the Directors PRESENT, including abstentions.....

THOUGHT #2: It is CLEARLY stated and supported that a simple majority of the Board members PRESENT (meaning of the 14 Board members in attendance, 8 votes are required for the motion to pass- ONLY 6 were garnered in agenda item 11.5)

THOUGHT #3: The DLANC by-laws CLEARLY show that the vote on agenda item 11.5 during DLANC's October Board meeting IS VALID and DOES COUNT all Board members PRESENT!!!!!!!

In summation, the evidence speaks for itself....Both Robert's Rules of Order and DLANC's by-laws STRONGLY support my position.

I anticipate a "timely dissolve" IN SUPPORT of my position of this far-reaching and on-going matter that is requiring too much of everyone's valuable time when the evidence is clear and unwavering.

Thank you all for giving this matter it's due diligence. The Skid Row residents anticipate no further DLANC votes on this matter with the final determination of motion agenda item 11.5 DOES NOT pass, to remain in effect with an official

letter of determination officially distributed to all involved parties, as well as a representative from the City Attorney's office present at the November 2013 DLANC Board meeting in order to speak to this matter publicly.

With so many confusing statements, movements and actions, an official PUBLIC clarification is warranted.

Regards,

General Jeff
Skid Row community activist-
ISSUES AND SOLUTIONS
(2007-present)

State of California- Office of Health Equity-
Advisory Committee Member
(2013)

(3-Term) Resident Director- Central City East/ Skid Row
Board of Directors
Downtown Los Angeles Neighborhood Council
(2008-Present)
Former VP, Outreach and Communications- DLANC
(2012-2013)

Co-Chair- Skid Row Community Advisory Board for the
Department of Mental Health
(2012-2013)

Chair- "Skid Row Public Space Task Force"
(2013)

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