



Motion to endorse letter to control picketing noise at Robertson Car Wash

Agenda Item: GB091610-3
Date: 16 September 2010
Proposed By: Doug Fitzsimmons

Neighbors of the Robertson Car Wash complain of excessive noise and personal harassment from picketers

Full Proposal

The Robertson Car Wash has been the focus of intense union organizing efforts for the past 11 months. During that period, nearby residents have consistently reported excessive noise, littering, and harassment from picketers.

While recognizing the right to organize (and expressing no opinion on the arguments pro and con for doing so at this location), the NC must defend the rights of the residents to live without undue and excessive noise.

The neighbors have discussed the issue at length with the LAPD, the City Attorney's office, labor lawyers, and City Council representatives. While use of bullhorns by the picketers has been reduced, the problem remains. On September 13, 2010 residents delivered a petition to City leaders and LAPD asking for additional help. (The petition can be viewed at <http://picketnoise.wordpress.com/petition/>).

They have now drafted a letter, attached to this motion, for which they ask the NC's support.

Proposed Motion

To officially endorse the attached letter written by community residents asking that the picketing be conducted within the limits of the law and excessive noise be controlled.

Considerations

Pro

This is an issue of deep concern within the community

The motion does not seek to stop or impede lawful organizing efforts

Con

The line between the competing rights of organizers and residents is a fine one

Organizers do have the right to picket

Doug Fitzsimmons
President

Brian Kite
Vice-President

Gerald Chavarria
Secretary

Terrence Gomes
Treasurer

**South Robertson
Neighborhoods Council**

PO Box 35836
Los Angeles, CA 90035

P: (310) 295-9920
F: (310) 295-9906
E: info@soronc.org

soronc.org

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:

September 10, 2010

Mayor Antonio Villaraigosa
200 North Spring Street
Los Angeles, CA 90012

Police Commissioner President John Mack
100 West 1st Street
Los Angeles, CA 90012

City Attorney Carmen A. Trutanich
200 N. Main Street, 8th Floor
Los Angeles, CA 90012

Chief of Police Charlie Beck
100 West 1st Street
Los Angeles, CA 90012

Councilmember Herb J. Wesson, Jr. CD 10
200 North Spring Street, Room 430
Los Angeles, CA 90012

Captain Evangelyn Nathan West LAPD
1663 Butler Avenue
Los Angeles, CA 90025

Councilmember Paul Koretz CD 5
200 North Spring Street, Room 440
Los Angeles, CA 90012

Lieutenant Andrew J. Neiman Emerg. Op. Div.
100 West 1st Street
Los Angeles, CA 90012

RE: Picket Noise at The Robertson Car Wash

Attached please find the “Petition to STOP THE PICKET NOISE at the Robertson Car Wash” which is located at 2460 South Robertson Boulevard, Los Angeles, CA 90034.

Since October 2009, the Robertson Car Wash has been invaded by shouting pickets of the CLEAN Carwash Campaign, CWOC-USW/AFL-CIO, who regularly destroy the peace and tranquility of the residential neighborhood surrounding the car wash, annoying residents inside their homes and on their property.

The pickets have driven some residents out of their homes; have hampered the sale of residents’ property; have kept babies from napping; have interrupted residents’ work, costing them time and money; have damaged their emotional and physical health; have shattered their peace, and have forced some into fits of rage and depression.

Residents have made every attempt to get relief from the loud picket noise:

On February 4, 2010, some of us voiced our concerns to the LAPD, union lawyer Jay Smith, neighborhood prosecutor Susan Strick, City Council representatives and others at a Reynier Village community meeting.

On March 2, 2010, one of us gave a speech to all four Los Angeles Police Commissioners and Julie Raffish of the City Attorney’s office.

Residents have written to and telephoned City Attorney Carmen Trutanich. Several have spoken with dozens of police officers for 11 months. All have seen our pleas to end the noise ignored.

The City of Los Angeles has wrongly allowed union pickets to break city law with impunity and steal from residents our most basic human right: the right to peace, tranquility and independence inside our homes.

Labor is not a privileged class above the law. The Supreme Court rejects greater rights for Labor:

CAREY v. BROWN, 447 U.S. 455 (1980):

"Labor picketing is no more deserving of First Amendment protection than are public protests over other issues..."

"The State's interest in protecting the well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society."

"Preserving the sanctity of the home, the one retreat to which men and women can repair to escape from the tribulations of their daily pursuits, is surely an important value."

By allowing pickets to traumatize residents with their shouting for 11 months, the City of Los Angeles has given pickets rights they do not have (to harass residents) while denying residents rights they do have (to peace and privacy in their homes).

The union and the City claim pickets target only the car wash and the general public. Though on a short, narrow commercial block, the car wash is surrounded by single family homes and apartments. Pickets shout on the south end of the car wash on 25th Street, which is residential, and yell as close as five (5) feet from the nearest resident's property.

No matter which direction pickets march, they face homes or apartments (see attached map). Loud, angry shouts are heard inside homes on all sides of the pickets, regardless who they claim to target.

CAREY v. BROWN, 447 U.S. 455 (1980):

"To those inside . . . the home becomes something less than a home when and while the picketing . . . continue[s]. . . . [The] tensions and pressures may be psychological, not physical, but they are not, for that reason, less inimical to family privacy and truly domestic tranquility."

Must residents suffer while pickets have free reign? The Supreme Court says “no.”

GREGORY v. CHICAGO, 394 U.S. 111 (1969):

"...no mandate in our Constitution leaves States and governmental units powerless to pass laws to protect the public from the kind of boisterous and threatening conduct that disturbs the tranquility of ... homes, wherein they can escape the hurly-burly of the outside business and political world..."

"...the Constitution does not bar enactment of laws regulating conduct, even though connected with speech, press, assembly, and petition, if such laws specifically bar only the conduct deemed obnoxious..."

"...picketing and demonstrating can be regulated like other conduct of men. I believe that the homes of men, sometimes the last citadel of the tired, the weary, and the sick, can be protected by government from noisy, marching, tramping, threatening picketers..."

In 1988, the Supreme Court affirmed Brookfield, Wisconsin's right to ban "picketing before or about the residence...of any individual..." and said states have a duty to protect unwilling listeners:

FRISBY v. SCHULTZ, 487 U.S. 474 (1988):

"... even if some such picketers have a broader communicative purpose, their activity nonetheless inherently and offensively intrudes on residential privacy."

"One important aspect of residential privacy is protection of the unwilling listener. ... we have repeatedly held that individuals are not required to welcome unwanted speech into their own homes and that the government may protect this freedom."

"The resident is figuratively, and perhaps literally, trapped within the home, and because of the unique and subtle impact of such picketing is left with no ready means of avoiding the unwanted speech."

"... government may prohibit unduly coercive conduct around the home... A crowd of protesters need not be permitted virtually to imprison a person in his or her own house merely because they shout slogans or carry signs."

"... government could constitutionally regulate ... the noise level of such a picket. In short, substantial regulation is permitted to neutralize the intrusive or unduly coercive aspects of picketing around the home."

"There simply is no right to force speech into the home of an unwilling listener."

Ignoring Supreme Court decisions, the City of Los Angeles has let pickets break the law and besiege this neighborhood for 11 months. Evidence is at <http://picketnoise.wordpress.com>

The signers of the attached petition demand the picket noise at the Robertson Car Wash must stop. It is ruining the lives of residents who live in Council District 5 and Council District 10.

We look forward to receiving a written response from the City of Los Angeles no later than October 15, 2010.

Thank you.

Representing residents in Council District 5

Russ Kingston

Representing residents in Council District 10

Mitchel Balmayne

Deni J. Mosser



Motion to Approve a Resolution of Support for the LAPD Carnival

Agenda Item: GB091610-4

Date: September 16, 2010

Proposed By: Michael Lynn

A Resolution of Support for the proposed November LAPD Carnival on Pico Blvd.

Full Proposal

The LAPD holds carnivals in divisions throughout Los Angeles to raise money to sponsor various youth programs (DAPS, PAL Program Cadets, Jeopardy program, etc...). The carnival has previously operated successfully in 17 other divisions, offering several rides, food and family entertainment.

They are planning on the carnival to take place Saturday, November (6 or 13), 2010 on Pico, between La Cienega and Shenandoah. The carnival would require the street closure of Pico, from the Thursday through Sunday for the purpose of set up and clean up. They must receive 51% of the resident and business addresses on the affected part of Pico to approve their petition. DOT would plan the rerouting of traffic.

Local businesses affected by the closure would be offered booths at the carnival, free of charge. SORO NC could also have a booth, as well.

Proposed Motion

- I. The SORO NC hereby resolves to support the LAPD in its proposal to hold a November carnival on Pico Blvd., and its objective to raise funds to sponsor neighborhood youth programs.

Considerations

Pro	Con
Carnival supports local youth programs that benefit the community.	Pico closed from Thursday through Sunday. Traffic re-routing congestion.
SORO NC and affected businesses offered free booths.	Access to local businesses may be affected.
Fun event for the neighborhood.	

Doug Fitzsimmons
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Terrence Gomes
Treasurer

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Neighborhoods Council**

PO Box 35836
Los Angeles, CA 90035

P: (310) 295-9920
F: (310) 295-9906
E: info@soronc.org

soronc.org

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:



Motion that the South Robertson Neighborhoods Council submit a letter to the LA City Council encouraging them to support a plan to eliminate coal from the electricity supply of Los Angeles.

Agenda Item: GB091610-5
Date: September 16, 2010
Proposed By: Paula Waxman

Full Proposal

There is growing support for Los Angeles to build a clean and renewable energy future.

36% of U.S. carbon dioxide emissions come from the combustion of coal. Carbon dioxide is a major contributor to global climate change and coal mining results in the destruction of eco-systems. Los Angeles owns significant shares in two of the dirtiest coal plants in the nation: the Navajo Generating Station and the Intermountain Power Project. In 2008 both released a combined total of 32, 468, 461 tons of CO₂ into the atmosphere and used 8 billion gallons of water for cooling. Other costs of coal: polluted rivers and fish, increased asthma rates, strokes, cancer, strip-mining, coal-slurries, and mountain-top removal.

Regulatory uncertainty surrounding the coal industry is leading to increasing costs and price volatility. A well-planned transition away from coal fired power, together with energy efficient programs will protect DWP bill payers and keep DWP bills down. A transition to renewable energy will update our city's infrastructure, and create new jobs. Investments now, will benefit our long term economic future because once the system is paid for, the sun and winds are free.

The South Robertson Neighborhoods Council would like Los Angeles to demonstrate its leadership in the area of sustainability by:

- Mandating that the LADWP devise and execute a plan to end the city's use of coal-fired power by 2020
- Displacing Los Angeles' coal fired power through aggressive energy efficiency programs and providing 40% of our power from clean, renewable energy.

Proposed Motion

That the South Robertson Neighborhoods Council submit a letter to the LA City Council encouraging them to support a plan to eliminate coal from the electricity supply of Los Angeles.

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See attached letter .

Considerations

Pro

It is important that the leaders of Los Angeles understand the Board's position on the development of renewable energy and energy conservation so that they can be encouraged to act accordingly

Con

Some members of our community may not support the development of renewable sources of energy either because of costs or the belief that there is no link between coal and climate change.

The goal of total transition by 2020 is too ambitious

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:



President Gil Garcetti and Members of the Los Angeles City Council
Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

16 September 2010

Re: Eliminating coal from the electricity supply of Los Angeles

Dear Council President Garcetti and Members of the Los Angeles City Council:

The South Robertson Neighborhoods Council supports eliminating coal from the electricity supply of Los Angeles by 2020 as well as providing 40% of our power from clean renewable energy sources. There is growing support for Los Angeles to build a clean and renewable energy future.

36% of U.S. carbon dioxide emissions come from the combustion of coal. Carbon dioxide is a major contributor to global climate change and coal mining results in the destruction of eco-systems. Los Angeles owns significant shares in two of the dirtiest coal plants in the nation: the Navajo Generating Station and the Intermountain Power Project. In 2008 both released a combined total of 32, 468, 461 tons of CO2 into the atmosphere and used 8 billion gallons of water for cooling. Other costs of coal: polluted rivers and fish, increased asthma rates, strokes, cancer, strip-mining, coal-slurries, and mountain-top removal.

Regulatory uncertainty surrounding the coal industry is leading to increasing costs and price volatility. A well-planned transition away from coal fired power, together with energy efficient programs will protect DWP bill payers and keep DWP bills down. A transition to renewable energy will update our city's infrastructure, and create new jobs. Investments now, will benefit our long-term economic future because once the system is paid for, the sun and winds are free.

The South Robertson Neighborhoods Council would like Los Angeles to demonstrate its leadership in the area of sustainability by:

- Mandating that the LADWP devise and execute a plan to end the city's use of coal-fired power by 2020
- Displacing Los Angeles' coal fired power through aggressive energy efficiency programs and providing 40% of our power from clean, renewable energy.

The South Robertson Neighborhoods Council looks forward to working with the city to achieve these goals together. We appreciate your attention to this important matter and look forward to your response.

Sincerely,

Doug Fitzsimmons
South Robertson Neighborhoods Council

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President

Brian Kite
Vice-President

Gerald Chavarria
Secretary

Terrence Gomes
Treasurer

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Motion that the South Robertson Neighborhoods Council purchase up to 40 t-shirts bearing the new SORO NC logo at a cost not to exceed \$300.00.

Agenda Item: GB091610-6

Date: September 16, 2010

Proposed By: Paula Waxman

The tee shirts with the official South Robertson Neighborhoods Council logo would help to promote the group and identify the wearer as belonging to the council and give legitimacy, especially when working public events such as clean up projects, fundraisers and other activities.

Full Proposal

The Green Team will be doing a series of 4 clean up events along South Robertson Boulevard over the next 12 months in roughly 8 block sections. A few members of the Green Team will walk Robertson prior to the clean up event to meet the property owners, introduce themselves, and to invite the business owners, homeowners, and apartment dwellers to join us. Those walkers (not the clean up crews) thought it would be appropriate if we wore tee shirts that identified us as representing the neighborhoods council.

The shirts however, are generic, and can be worn by any committee member who needs them for a specific event.

Proposed Motion

- I. That the South Robertson Neighborhoods Council purchase 40 tee shirts in various sizes and bearing the new South Robertson Neighborhoods Council logo, at a cost not to exceed \$300.00 (or about \$7.00 for standard size tee-shirts and \$10.00 for plus sizes, plus California sales tax.)
- II. That the Board vote to select one of the following three designs and colors:
 1. Shirt Style #1 in a. green, b. tan, or c. white
 2. Shirt Style #2 in a. green, b. tan, or c. white
 3. Shirt Style #3 in a. green, b. tan, or c. white

Considerations

Pro

The shirts will help to promote the group, and identify the wearer as a member of the group.

Con

The group is already well known, identity not necessary.
Name tags would be sufficient
Unnecessary cost

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Motion to Provide \$300 to support the Hami Garden during the 2010-2011 school year.

Agenda Item: GB091610-7

Date: September 16, 2010

Proposed By: Paula Waxman and Larry Hess

The Hami Garden will need garden supplies, soil amendments, and student materials to continue to make the garden useful to students and neighbors.

Full Proposal

Since February of 2010 we have had more than 400 students, administrators, master gardeners, neighbors, and volunteers visit and work in the garden

Although most of the permanent plantings have been paid for and planted, and the majority of the vegetables for the 7 beds are provided by LAUSD seedling give-away programs, there will be the need to replace permanent plantings that have died and purchase plants not provided by LAUSD. For example, we would need to purchase plants should a teacher wish to study medicinal herbs or during the summer months when the LAUSD plant program is on hiatus.

The grant has provided for basic tools, but there will be a need to augment these and replace or repair those that are damaged. Most of our amendments are donated but occasionally special amendments are needed: calcium, bone meal, etc. We also use organic pesticides (dish soap and garlic paste)

We had 75 labels donated but we have had over 150 different varieties of plants growing. As more and different classes use the garden, specific supplies will be needed (stacking stools for art classes that wish to draw in the garden). The garden manager will also be writing more and more sophisticated lessons to teach in the garden so we will need textbooks and materials.

The irrigation for the permanent beds is installed and we have the PVC pipe for the vegetable beds (yet to be installed), but we will need to purchase materials to repair and augment the irrigation from time to time.

We may also need to make soil tests to see if we are lacking in a specific nutrient.

Proposed Motion

Motion to provide \$300 to support the Hami Garden for the 2010-2011 school year toward the purchase of garden supplies, including plants, seeds, organic pesticides, tools, repairs, labels, stacking stools, soil amendments and tests, student materials, books, and lesson plans, and irrigation supplies.

Considerations

Pro	Con
The Hami Garden is a popular program	none



with both students and community.

It is a valuable in teaching biology, art, physics, landscape design, chemistry, etc.

Provides exercise and nutritional information to students

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:



Motion to fund up to \$700 for Town Hall 2010 Outreach

Agenda Item: GB091610-8
Date: 16 September 2010
Proposed By: Marjan Safinia

According to our bylaws we must host a public Town Hall event each year. These funds will be used to promote our 2010 event.

Full Proposal

According to our Bylaws, SORO NC must host one public Town Hall event each calendar year, allowing our stakeholders the opportunity to interface with some aspect of the City. This year's event will be focused on Emergency Preparedness and Recovery. We are hoping to hold the event late October/early November at Hamilton. Waiting for confirmation of available dates from Gary Garcia.

The Outreach Committee has determined that we would like the following outreach tools to help promote this year's event. These prices are based on estimates and are not definitive. Since we will pay for items by P-Card, we will only end up spending what the actual costs are.

100 double-sided yard signs (portion in Spanish) and stakes	\$460.00
1500 flyers on colored paper (various versions)	\$ 50.00
Large format poster board printing and supplies	\$150.00
1 case water for speakers	\$ 10.00
Misc. needs	\$ 30.00

Proposed Motion

The actual language the Board will be voting on. May have multiple items:

- I. That SORO NC fund up to \$750 towards the outreach and promotion of our 2010 Town Hall event, focused on Emergency Preparedness and Recovery.

Considerations

Pro

Outreach is good

Having people show up beats not having people show up

Con

Cost

Money cannot be spent on other projects

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:

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Motion To Oppose City's Proposed Sidewalk Ordinance

Agenda Item: GB091610-9
Date: 9/16/2010
Proposed By: Brian Kite

Motion to oppose the City's proposed sidewalk ordinance using unified language with other WRAC Member Councils.

Full Proposal

The Westside Regional Alliance of Councils (WRAC) is looking for consensus on the current proposed city ordinance related to sidewalks. They have asked each member council to consider the following motion.

SORO NC considered this issue at the June 17, 2010 Board meeting, but tabled the motion to a future meeting.

Proposed Motion

Whereas nearly half of all sidewalks in the City of Los Angeles are in need of repair, and these sidewalks cause injury to those who walk on the sidewalks and subjects the city to liability, and

Whereas the City of Los Angeles is facing a serious budget shortfall, and

Whereas, an Ordinance has been drafted (CF 05-1383-S1) that would Amend Subsection (e) of Section 62.104 of the LAMC to transfer liability and responsibility to property owners for repair of curbs, driveways and sidewalks due to tree root damage; and

Whereas the City does not allow the adjoining property owners to remove the root cause of the sidewalk damage, i.e. the offending trees, and

Whereas the South Robertson Neighborhoods Council is desirous of promoting both tree-lined streets and safe sidewalks;

Now Therefore Be It Resolved that the South Robertson Neighborhoods Council:

- I. Opposes the proposed ordinance as it is currently written.
- II. Opposes any transfer of liability for slip and fall accidents on the sidewalk to the adjoining property owner.
- III. Requests that there be adequate time for review and comment by Neighborhood and Community Councils.

Considerations

Pro

SORO NC already considered this issue, but the motion was tabled to allow further refinement. This would be an opportunity

Con

If the city does not otherwise fund sidewalk repair, they may not be repaired except by the homeowner's choice.

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to revisit the issue and work with other NC's to support a common position.

Opportunity to represent the neighborhoods interests regarding a proposed change to city law.

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:



Motion to change NC Education seat 2 to Board appointment

Agenda Item: GB091610-10
Date: 16 September 2010
Proposed By: Doug Fitzsimmons

Change to the bylaws to convert the School 2 seat from a four-year elected position to a single-year Board appointment.

Full Proposal

Prior to May 2010, it had been some years since the NC had a general election to fill Board seats. In that extended period, the Board has appointed high school students to the School 2 seat in an effort to increase youth involvement in the community. Generally speaking, the students have resigned at the end of the school year as they go off to college.

This motion seeks to formalize that arrangement. The seat would be available to any stakeholder attending a school within the SORO NC boundaries between 15 and 18 years of age at the time of the appointment. Terms would be limited to one year, but the representative could be re-appointed.

Prior to the May 2010 election, the Board voted to approve a similar change to the seat in the City Clerk's Stipulation Worksheet under the misapprehension that it would over-ride the Bylaws, but that proved to be false. The NC was prohibited during the period immediately prior to the election from making direct changes to the bylaws.

This motion would require a significant change to the SORO NC bylaws. Note that per Article XIV, section 14.2, any amendment of the bylaws requires a two-thirds (2/3) vote of the total number of actual board members, and is subject to approval by DONE.

Proposed Motion

To amend the SORO NC bylaws as follows:

- I. Change the language in section 6.3.5 from

"6.3.5. Schools: Individuals who attend or work at schools in the COUNCIL AREA. (Two seats)"

to

"6.3.5 Schools: The School 1 seat shall be open to individuals who attend or work at schools in the COUNCIL AREA, and is elected by Stakeholder vote. The School 2 seat shall be appointed by the Board under the following process: The seat is available to any stakeholder currently enrolled in a school within the SORO NC boundaries and between 15 and 18 years of age at the time of the appointment. The elected Board members shall within 120 days of assuming office appoint a qualified Stakeholder to the seat subject to a majority vote of the Board at a properly agendized public meeting. The appointed School 2 seat shall have a term of 1 year."

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- II. Remove mention of the School 2 seat from the list of elected seats in section 7.5

Considerations

Pro

Makes it more likely that the Board includes youth representation as it has in the past.

The language does not specify a Hamilton student, so the representative could be from any school in the SORO area.

Con

Removes the public's ability to directly elect one of the two School seats (although this only occurs once every 4 years).

Any change to the makeup of the Board is a serious change to the Bylaws.

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:



Motion to approve Public Safety Committee Chair

Agenda Item: GB091610-11

Date: September 16, 2010

Proposed By: Public Safety

Motion to approve Michael W. Lynn as Chair of the Public Safety Committee

Full Proposal

At their September 1, 2010 meeting, the Public Safety Committee voted unanimously to nominate Michael W. Lynn as Chair of that committee. This motion is to ratify that nomination.

Proposed Motion

To approve Michael W. Lynn as Chair of the Public Safety Committee.

Considerations

Pro

Nominated unanimously by committee on 9/1/2010.

Nominee is eager and willing to serve.

Con

Others were also interested in chairing this committee.

Board Notes

Votes For:

Against:

Abstain:

Proposed Amendments:

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Nomination of Joe Gjonola and Terry Gomes as Co-Chairs of Land Use

Agenda Item: GB091610-12
Date: 16 September 2010
Proposed By: Land Use Committee

The Land Use and Economic Development Committee
unanimously nominates Joe Gjonola and Terry Gomes

Full Proposal

At the September 7th Land Use meeting, the committee unanimously voted to nominate Joe Gjonola and Terry Gomes as co-chairs.

Proposed Motion

To approve Joe Gjonola and Terry Gomes as co-chairs of the Land Use and Economic Development committee

Considerations

Pro

Con

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Board Notes

Votes For:

Against:

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Proposed Amendments:

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