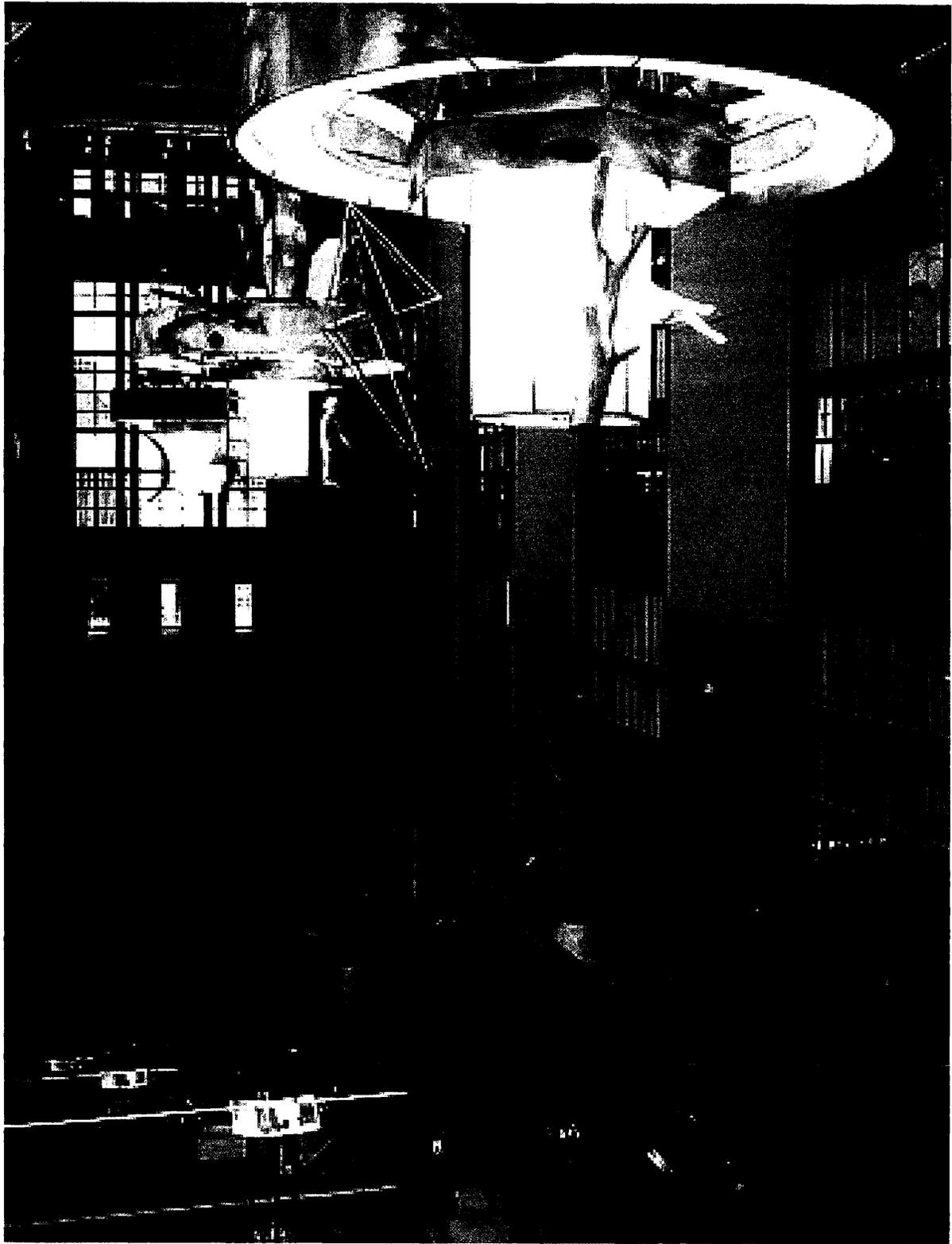


FINAL DRAFT: NCRC REPORT

The Neighborhood Council System: Past, Present, & Future

Dated September 21, 2007. Final copies will be distributed on Tuesday, September 25, 2007



September 19, 2007

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

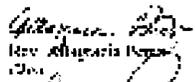
Dear Councilmembers:

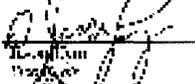
The officers and members of the Neighborhood Council Review Commission are pleased to transmit to you our final report entitled "The Neighborhood Council System: Past, Present, and Future" for your consideration.

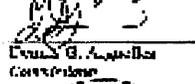
More than a year ago, the Council sent us on an important mission, to carry out the Charter's mandate that an independent Commission explore the neighborhood council system established by the voters in 1999, and where appropriate, to recommend changes to Charter or to ordinance that would improve the workings of the system.

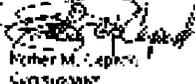
We spent the allotted time researching, listening, and deliberating. We found that while there have been significant successes in the neighborhood council system, there is also a pressing need to refocus the resources and structures that define the system. Based on our findings, and extensive public input, we have adopted a series of recommendations that we believe will place the system on the path to welcoming every Angeleno to get involved in this model of neighborhood democracy and to find in it a place to pursue our common interests.

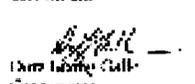
Thank you for the opportunity to serve the City and to make a positive contribution to the development of neighborhood democracy in Los Angeles.

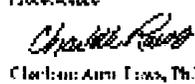

Ray Adameza
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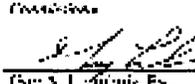

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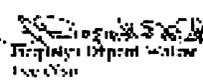

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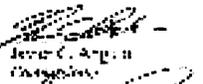

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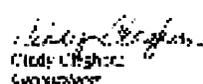

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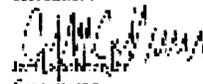

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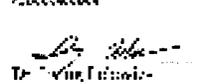

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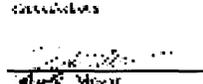

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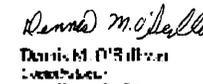

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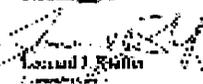

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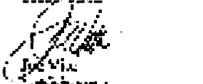

Angela W. Brundage
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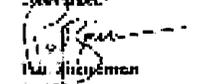

Dennis M. O'Sullivan
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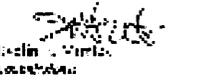

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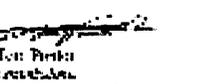

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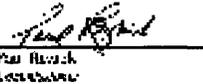

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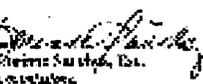

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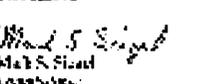

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Executive Summary

The Neighborhood Council Review Commission was charged with reviewing the system of neighborhood councils that was created by Los Angeles voters in 1999, when a new City Charter sought to bring government and the governed closer together.

Our findings and recommendations are based on 15 months of staff research, twice-a-month deliberation, as well as two sets of public hearings in neighborhoods across the city. We reviewed the eight-year history of neighborhood councils in Los Angeles, as well as the experience of other cities across the country.

We found that:

- The system must be restructured to support the work of neighborhood councils, so that volunteer hours are spent in deliberation and community activity, rather than bureaucracy.
- The relationship between City Hall and neighborhood councils needs to be re-defined and renewed.
- It is important to build on the base of current participants and expand the reach of neighborhood councils deeper into the diverse populations of the city.
- The system would benefit from more consistent policies and procedures, so long as the autonomy of individual neighborhood councils remains substantially intact.

The neighborhood council system has many strengths upon which to build – and some core problems that must be addressed.

Highlights of these findings are as follows:

- Most areas of the city now fall within the boundaries of a certified neighborhood council, with 89 councils currently in operation. More than 1,600 Angelenos now serve as board members, and tens of thousands of votes have been cast in neighborhood council elections.
- Neighborhood councils have played a significant role in some important issues at City Hall. Neighborhood councils helped roll back proposed DWP water rates and helped build a coalition regarding a proposed development in the Sunland-Tujunga area this year.
- Nearly half (47.5%) of city households have either

participated in, or are aware of, the neighborhood council system. This represents a strong base of recognition.

- Because the neighborhood council system grew in a largely *ad hoc* fashion, an overall guiding vision and consistent mission have been lacking. Some of the decisions made in the early days unintentionally hamstrung the very system they were intended to support.
- As a whole, the system has not yet attained the systematic influence charter reformers expected. To do so, “structures of influence” must be enhanced – the means and methods by which neighborhood input can be connected effectively to City Hall.
- The Board of Neighborhood Commissioners (BONC) has a poorly defined and limited role. Other agencies, including City Clerk and Human Relations Commission, have assisted the system but are not playing their ideal roles.
- The application of the Brown Act to neighborhood councils has made it difficult for some useful communications to be conducted within neighborhood councils.
- The burden of outreach has been inappropriately placed on individual neighborhood councils instead of being shared with City government.
- Neighborhood councils have not been called upon to participate in the handling of complaints and election challenges.
- NC board members are more likely to be white, homeowners, more affluent, and better educated than the population as a whole – but are more similar to those who vote in city elections.
- Running elections has been a burden for many neighborhood councils.
- The administration of the city funds directly given to neighborhood councils has occupied a significant amount of DONE staff time and has created mutual frustration between DONE and the neighborhood councils.
- A citywide survey of residents revealed that there is a constituency for further expansion of the neighborhood council system, and survey respondents are willing to present concrete suggestions that would make participation more likely. Language, however, represents a significant barrier to participation.

Among the Commission’s recommendations are the following:

- Neighborhood councils shall remain advisory

(recommendation #1)

- The City shall facilitate the filing of Council files by neighborhood councils when submitted by three neighborhood councils. This shall be a two-year pilot project. (rec. # 3)
- A series of structural changes shall be made to ensure that City departments and offices work more closely with neighborhood councils; that neighborhood councils become more educated about key City processes; that neighborhood council input be recorded and presented to City decision makers; and that neighborhood councils be informed about what happens to the input they provide. (recs. #4 - #16)
- DONE shall have as its primary role one that is facilitative and supportive to neighborhood councils. (rec. #18) DONE shall be reorganized to highlight the community organizing and technical assistance aspects of its staff. (rec. #61)
- The role of BONC shall be clarified and expanded. The role of BONC is defined as policy and rule making, regulatory and disciplinary body. (rec. #22)
- A new peer grievance process shall be established, with neighborhood councils as the place of first hearing, followed by a regional commission chosen by the neighborhood councils. BONC is to be the final arbiter, subject to City Council oversight. A similar process shall apply to election challenges. (recs. #37 & #55)
- There shall be a new Sunshine Law that incorporates provisions of the Brown Act and the California Public Records Act but is tailored specifically to the needs of the neighborhood council system. (rec. #38)
- Stakeholder status in neighborhood councils shall be open to those who live, work, or own property in the neighborhood and also to those who declare a stake in the neighborhood and affirm the factual basis for it. (rec. #42)
- The City Clerk shall organize and run neighborhood council elections. (rec. #45) Elections shall be held on a regional or citywide basis every two years. (rec. #53)
- The responsibility for outreach for the neighborhood council system shall be shared between the City government and the neighborhood councils. (rec. #58)
- Neighborhood councils shall attempt to reflect both the diversity of their geographic area and the range of community interests, ethnicity, race, gender, age, class, religion, homeowner and renter status and sexual orientation. (rec. #65)
- Each neighborhood council shall continue to receive equal, annual funding. (rec. #66) Unspent funds shall be transferred to a citywide fund for outreach to be

directed by DONE, rather than to the City's general fund. (rec. #67)

- The City shall provide translation services to neighborhood councils at no cost to individual neighborhood councils. (rec. #72)
- The City shall within seven years appoint a commission to examine the progress of the neighborhood council system in light of the recommendations of the NCRC (rec. #73)

Beyond its specific and detailed recommendations, the Commission has also presented a vision for the future of the system based on eight culture changes that could make a difference.

These are:

- A stakeholder-centered system more than a board-centered system.
- Recognizing that board members are stewards for the community
- Elections as mobilizing tools, not as ways to win power.
- Connecting elections with outreach, with the goal of greater participation
- A time for tools and a time for rules.
- Doing away with bureaucratic requirements – but keeping accountability
- A win-win between neighborhood councils and City Hall.
- Working together to solve problems in the system
- Neighborhood councils and community organizations giving each other a second look and a second chance.
- Ensuring that neighborhood councils speak for a wide range of interests
- From decision to deliberation.
- Widening the number of ways in which people can participate
- Making meetings meaningful.
- Holding short, polite meetings on issues that matter to participants
- Embracing diversity as a goal.
- Drawing in those who have not yet participated – and viewing diversity as a way to make neighborhood councils more effective and as a benchmark and goal.

All NCRC documents, including transcripts of Commission meetings and reports of NCRC surveys, can be found at www.ncrccla.org.

NCRC RECOMMENDATIONS

■ CHAPTER 2: POWERS and ROLES

Recommendation #1: Neighborhood councils shall remain advisory.

Recommendation #2: Neighborhood councils shall continue to be considered as City entities. Consistent with the recommendations of the NCRC in such areas as elections and fiscal administration, the City shall make every effort to implement the structure of the neighborhood council system so that unnecessary bureaucratic requirements are not placed on neighborhood councils, recognizing that neighborhood councils are not traditional City agencies.

Recommendation #3: The City shall facilitate the filing of Council files by neighborhood councils when submitted by three neighborhood councils. This shall be a two-year pilot project and it shall be evaluated.

Recommendation #4: The methods of providing formal information to neighborhood councils shall be upgraded, simplified, and made as user-friendly as possible.

Recommendation #5:

A) The Mayor shall direct chief administrative officers of each City department, office and commission to submit, within 90 days of enactment of an ordinance including this recommendation, to the City Administrative Officer (CAO), the Mayor and DONE, procedures to enable neighborhood councils to influence decisions made by that department, especially decisions affecting programs, activities and spending. At a minimum, these procedures shall include:

- (1) A list identifying the decisions, or types of decisions, made by that department in which any community or neighborhood has a stake. At a minimum, this list shall include any decision involving the expenditure of public funds for a project or program that has a specific location (e.g., capital improvements to streets, sidewalks, parks, libraries; youth programs; cable television franchise renewals/modifications, etc.), and those deemed likely to affect the quality of life of a community's stakeholders (positively or negatively).
- (2) General timelines for that department's decision-making processes;

(3) For each decision-making process, procedures for providing early notification to neighborhood councils that are designed to enable neighborhood councils to influence decisions made by that department, especially decisions affecting programs, activities and spending. Such procedures may include:

- B) For long-term programmatic decision-making processes, a semiannual or periodic report detailing upcoming decisions in which a community or neighborhood has a stake, including the timeline for such decisions; or
- C) For decisions that are more immediate, *ad hoc* or short-term (for which a periodic report would not provide sufficient notice), procedures for notification on an issue-by-issue or case-by-case basis.
- D) Procedures for incorporating input from neighborhood councils into decision-making.
- E) To the maximum extent practicable, these procedures shall be developed with the participation of neighborhood councils. Among the tools that general managers shall be encouraged to utilize are Memoranda of Understanding (MOUs).

Recommendation #6: Chief administrative officers shall be required to report to the Mayor and City Council on an annual basis on the extent of cooperative efforts with neighborhood councils.

Recommendation #7:

- A) The Mayor shall require each City department to provide DONE with a list of contact people for neighborhood councils.
- B) Departments may provide lists of contact persons identified by function and/or geographic area, depending on how that department operates. For example, the Planning Department should provide contact information for planners assigned to each community, specific or other plan, and the zoning administrator(s) assigned to each area; the Department of Transportation should provide information for transportation engineers, neighborhood traffic planners, etc.
- C) DONE shall keep departmental contact information updated, and provide such information to each neighborhood council.

Recommendation #8:

- (A) The City shall continue to upgrade and modernize the on-line Council File Index, including making agenda items searchable by topic, area, keyword and term, and capable of being followed online.
- (B) The City shall establish a system to automatically

send electronic notices to persons who have requested such notice whenever there is activity on a Council File, keyword, or term.

(C) City agenda items shall list the affected neighborhood council(s).

(D) The City shall establish a recommended standard for early notification as a minimum of 60 days from introduction of any motion/case/file to final decision. It is understood that such a requirement will serve as a guideline and not a mandate, as many conditions will require more rapid action. Conversely, for longer decision-making processes such as capital spending programs, utility rate increases, etc., 60 days might be unreasonably short.

(E) The City shall define "a reasonable opportunity to provide input" as a minimum of seven calendar days from the date of first broad public notification (e.g., the announcement of a new council file in the Council File Referral, or a similar notification sent to the DONE database).

(F) Notwithstanding the above, Council Rules #16 and #23 will continue to allow the City Council to handle matters on an emergency or expedited basis. The NCRC recommends revising Council Rules #16 and #23 to include the following: "When such items are introduced before the Council, the Clerk will note for the record that the Early Warning requirements of Charter Section 907 have been waived."

(G) The City Council is requested to review its policies and procedures and revise as necessary to lessen the likelihood of major policy issues being heard without previous opportunity for public input.

(H) DONE shall, within six months of the implementation of this recommendation, ensure that it has complied with the provision of the Plan which states, "Subject to all other provisions of this Plan, all Certified Neighborhood Councils shall be provided access to a computer and to the Internet. DONE shall provide technical training on the use of a computer to each Certified Neighborhood Council."

Recommendation #9: All neighborhood councils shall, to the greatest extent possible, monitor the regular business of the city and inform themselves of issues of importance to their neighborhood council and the city as a whole.

Recommendation #10: The NCRC recommends the following additions and revisions to the "Plan for Including Community Impact Statements on Agendas" (Council File #02-1482)

A) Formal communications to the City Council

(Community Impact Statements) shall be logged by the City Clerk. Neighborhood councils are encouraged to submit community impact statements via the City Clerk's electronic input system, but they may also be submitted via fax, mail or hand-delivery (with proper signature).

B) The progress of Community Impact Statements through the City system shall be easy to track.

C) If not submitted on-line, Community Impact Statements should include a clearly-identified 100-word summary statement.

D) Because the primary value of the Community Impact Statement is its transparency and clarity, the CIS Plan shall be amended to require the City Clerk to include, on all City agendas, the first 100 words of each summary Community Impact Statement received with the relevant agenda item.

E) City boards and commissions shall process Community Impact Statements in accordance with the processes established for the City Council. Administrative staff for all City boards and commissions shall be trained in proper handling of community impact statements, including how to process revised or updated statements.

F) DONE shall provide training to neighborhood councils on how to submit Community Impact Statements.

Recommendation #11: The City's website shall be modified so that individuals can send the same message to all members of the City Council at the same time with a single command.

Recommendation #12: To enhance public comment from stakeholders, the City shall identify funding for remote public comment at full Council meetings and City Council committee meetings, if possible, in more areas around the City. If it is not found to be financially feasible, another live method such as phone or Internet may be used.

Recommendation #13:

A) DONE, in cooperation with City Departments, shall continue and expand its voluntary training sessions on (1) substantive City policies and programs; and (2) how City Hall works, how to access City Hall, and how to influence City decisions. Such training shall be available in a variety of formats, including live workshops, on-demand sessions online, and printed materials.

B) The City shall provide training for City employees on communicating with neighborhood councils. These sessions shall also include "cross-cultural communications" training between neighborhood council members and City employees.

Recommendation #14: The opinions and input of neighborhood councils to City agencies shall be formally noted by the appropriate decision maker in the decision.

Recommendation #15: DONE, Los Angeles Housing Department (LAHD) and the Department of City Planning shall make presentations to neighborhood councils to educate about the land use process and the various housing needs in the city.

Recommendation #16: City Council offices shall be encouraged to respond in a timely manner on matters submitted to them by neighborhood councils in their district.

Recommendation #17:

- A) The City shall formally encourage developers to be in contact with neighborhood councils at the earliest possible time. If a project is subject to major change after initial neighborhood council review, the review shall begin again.
- B) Neighborhood councils shall adopt set procedures for reaching decisions on land use matters that are time-limited and consistent. Notification of all parties shall be consistent and usable.
- C) To maximize their effectiveness, neighborhood councils should seek education in land use issues and processes coordinated by DONE and provided by land use experts.

■ CHAPTER 3: GOVERNANCE

Recommendation #18: DONE shall have as its primary role one that is facilitative and supportive to neighborhood councils.

Recommendation #19: As long as its primary role remains assistance to neighborhood councils, the Department shall have primary responsibility for the oversight of and implementation of services to the neighborhood council system. As part of this role, DONE shall receive notice of grievances under the system proposed by the NCRC. Oversight and services shall include but not be limited to: education programs, counseling, mediation, promotion of best practices, and voluntary training. DONE shall also provide focused assistance to neighborhood councils experiencing operational and/or functional difficulties. DONE shall also make recommendations for adjudication to BONC.

Recommendation #20: Whether or not DONE is

able to retain its exempt positions, DONE shall devise job descriptions that accurately reflect the unusual nature of DONE staff roles, including but not limited to, hours of work, and type of skills required. The City shall assist in this process by recognizing the unique nature of the DONE mission, and its need for a lean, flexible approach.

Recommendation #21: City officials shall consider the budget implications of DONE providing technical assistance to neighborhood councils in such areas as outreach, office space location, accounting, clerical services, and other items, as well as the technical upgrades needed to reach a large constituency of neighborhood councils.

Recommendation #22: The role of BONC shall be clarified and expanded. The role of BONC is defined as a policy and rule making, regulatory and disciplinary body.

Recommendation #23: BONC shall continue as a City commission, subject to the Charter provisions on City commissions, and shall remain advisory with respect to the day-to-day operations at DONE. In the exercise of its powers, BONC shall be subject to the City Council's authority under Charter Section 245 to review and remand decisions of City commissions.

Recommendation #24: BONC shall be responsible for policy making and oversight, approval of contracts and leases, and the promulgation of rules and regulations, subject to the Charter and the ordinance authority of the City Council.

Recommendation #25: BONC shall play a role as a final appeal for the grievance system.

Recommendation #26: BONC shall have the central role in approving broad policies for the neighborhood council system, with such policy making role based upon recommendations from the DONE General Manager and input from the neighborhood councils and the public. In areas of policy that have not been preempted by the Charter or by ordinance, BONC shall have the authority to make policies for the neighborhood council system.

Recommendation #27: The General Manager of DONE shall be the head of the Department and shall have full control and authority over the operations of the Department. BONC's policy making authority shall in no way impinge upon the General Manager's role as the chief administrative officer of the department, nor the General Manager's direct role in working with neighborhood

councils on implementing policies embodied in the neighborhood council bylaws and in citywide rules and regulations.

Recommendation #28: As long as they are consistent with the Charter, Ordinance, or policies adopted by BONC, the General Manager of DONE shall have the authority to set rules and procedures for the management of DONE. The absence of a policy shall not preclude the General Manager from taking action.

Recommendation #29: In addition to making policies for the neighborhood council system, BONC shall conduct periodic public hearings and open deliberations on the policy direction of the neighborhood council system and formulate recommendations to DONE, the City Council, and the neighborhood councils.

Recommendation #30: As the only city agency both directly involved with neighborhood councils and subject to the Brown Act, the BONC shall make policies, rules, and regulations only through a process that sets the highest standard for open, participatory governance, engaging in outreach that is wide-ranging and technologically advanced. Through this process, neighborhood council stakeholders will be able to learn the best practices for outreach and notification and be fully aware of actions taken by BONC that can impact their activities.

Recommendation #31: Unless clearly inapplicable, BONC shall be subject to the policies, rules, and regulations it establishes for neighborhood councils.

Recommendation #32: The Mayor shall continue to appoint and remove members of BONC, subject to Council confirmation. The Mayor shall remove commissioners at will. At least four of the commissioners must be current or former members of a neighborhood council board. The Mayor shall seek input from neighborhood councils during the process of nominating commissioners. The list may include stakeholders who are and are not associated with neighborhood councils.

Recommendation #33: The Board shall be comprised of seven members, each of whom shall represent the interests of the City in its entirety.

Recommendation #34: BONC's appointment structure shall be revamped to fit within a regionalized structure, by ensuring that the seven members are selected with one from each of the seven Area Planning

Commission regions.

Recommendation #35: The members shall reflect the diverse geographic areas of the City and the diversity of communities of interest, neighborhoods, ethnicity, race, gender, age, class, homeowner/renter status and sexual orientation.

Recommendation #36: The BONC shall meet annually with the City Council and representatives of neighborhood councils to offer a report and self-evaluation of its activities for the previous year.

Recommendation #37: Subject to uniform procedures, all grievances in the first instance shall be heard at the neighborhood council level. A regional commission shall be established in each planning area. The commissioners are to be chosen by the neighborhood councils. In the first step after the neighborhood council level, a grievance or complaint is taken to the regional commission for the appropriate area. The decision can be appealed to the BONC, but 1) only if BONC agrees to take appeal and 2) the appeal must be based on a violation of bylaws or other stated rules and affect all neighborhood councils, and 3) BONC can render a final decision. City Council can overturn BONC's decision in accordance with Charter Section 245.

Recommendation #38:

A) There shall be a new Sunshine Law that incorporates the Brown Act and the California Public Records Act provisions that shall continue to apply to neighborhood councils but that is tailored specifically to the needs of the neighborhood council system and that ensures transparent, fair and accessible rules for neighborhood council meetings.

B) At a minimum, a new Sunshine Law in regard to neighborhood councils shall not prevent neighborhood councils from lobbying a majority of members of the City Council on an issue of concern to the neighborhood council.

The full draft Sunshine Law appears as an attachment

Recommendation #39: DONE shall undertake a two-year project with the neighborhood councils to develop more consistent bylaws in form and structure. The purpose of this project would be to develop bylaws that leave room for creative decisions about governance, while developing recognizable, comparable terms, structures, and definitions. At the end of the project,

DONE shall identify ways for sections of bylaws that should be uniform to be made uniform.

- A) Neighborhood councils shall be encouraged to identify a “bylaws volunteer” to work with DONE on bylaws development so that minimal Board time is spent on bylaws revisions.
- B) DONE shall create a glossary of common terms and ask neighborhood councils to adopt them as part of their bylaws and to update their bylaws to be in compliance with them, in those places where their terms were defined differently.
- C) DONE shall create and distribute a template that is more standardized, while allowing some flexibility.
- D) DONE shall help educate neighborhood councils that in those situations in which neighborhood council bylaws do not accord with City policies, that the City’s definition will prevail. The applicability of such City policies does not have to await revisions of bylaws.

Recommendation #40: BONC shall propose a policy on neighborhood council subdivisions to the City Council after taking input from neighborhood councils and stakeholders.

- A) A subdivision policy shall give priority to subdivisions of neighborhood councils with a resident base in the top 25th percentile of all neighborhood councils.
- B) The burden of proof for a subdivision should be on the applying neighborhood council to ensure that neighborhoods are not abandoned by neighborhood councils.
- C) If a neighborhood council applies for subdivision, each new portion of the neighborhood council shall apply for certification as a new neighborhood council. The processes of subdivision and certification of the new neighborhood councils shall occur concurrently so as not to disenfranchise the existing stakeholders.

Recommendation #41: The Plan shall be amended to recognize the right of neighborhood councils to join together in regional and citywide alliances.

■ Chapter Four: Outreach and Participation

Recommendation #42:

- A) Plan to be amended to state that stakeholder status in neighborhood councils shall be open to those who live, work, or own property in the neighborhood and also to

those who declare a stake in the neighborhood and affirm the factual basis for it.

- B) Neighborhood councils shall be empowered to allocate board seats, voting rights, and other procedures, consistent with the Charter, Plan, and Ordinance, and may allocate different voting roles to different categories of stakeholders.
- C) The City Attorney shall advise neighborhood councils on the allowable parameters of such structures and shall ensure that board structures do not limit broad participation.

Recommendation #43:

- A) Neighborhood councils shall continue to have authority, through their bylaws, to design the structures of their boards consistent with the Charter, ordinances, and policies adopted by BONC. Changes to board structures must be approved by BONC.
- B) DONE shall inform neighborhood councils about the findings of research on the advantages and disadvantages of different types of board structures. This shall be in a “best practices” format.
- C) DONE shall develop and publicize models of board structure that can be adopted wholesale by neighborhood councils.
- D) BONC shall adopt procedures to allow for appointments to, or removals from, a neighborhood council board and in other ways make exceptions to the bylaws where necessary to enable boards to achieve quorum and conduct business.

Recommendation #44: The neighborhood council election process shall be simplified and standardized, with common sense requirements that are easy to enforce and likely to promote the greatest participation.

Recommendation #45: The City Clerk shall organize and run neighborhood council elections. The City shall provide the additional City resources to accomplish this task.

Recommendation #46: The City Clerk shall explore devoting space in the voter pamphlet to encourage people to participate in their neighborhood council.

Recommendation #47: There shall be a package of common election rules that are adhered to by all neighborhood councils, built on the ordinance passed by the City Council in 2005.

Recommendation #48: The City shall share responsibility with neighborhood councils for organizing elections.

Recommendation #49: Neighborhood council elections shall occur on regional or citywide election dates, but not concurrent with City elections.

Recommendation #50: All election rules shall be finalized and in place at a set time before the election.

Recommendation #51: Responsibility for the City's portion of the outreach effort necessary to mobilize stakeholders to vote in neighborhood council elections shall be concentrated in DONE.

Recommendation #52: Neighborhood councils may choose to participate in the conduct of the election in collaboration with the City Clerk. If neighborhood councils do not wish to participate in the running of the election, they would not be required to establish an elections committee.

Recommendation #53: Elections shall be held on a regional or citywide basis, with individual neighborhood council elections grouped by region on the same day or within the same week. Each neighborhood council election would still be a stand-alone event based on its own bylaws. The City Clerk shall guide the 3-4 month election process from candidate verification through training sessions, candidate forums and debates, and community outreach up until election day.

Recommendation #54: The City shall provide assistance in outreach and voter mobilization. Volunteers may assist in the operation of the election.

Recommendation #55: Election challenges shall be resolved via the regional grievance process proposed by the NCRC.

A) Decisions in the pre-election period made by election monitors may be appealed to a panel drawn from a pool of stakeholders as noted below.

B) Poll workers, trained by and accountable to the City Clerk, will be the first line of monitoring of the election.

C) Poll workers who witness a violation of election rules shall, consistent with City Clerk procedures, order the violator to cease and desist.

D) If the violation continues, the poll worker shall, consistent with City Clerk procedures, call the election

monitor team, which shall go to the polling place, receive the poll worker's report, and take appropriate action. If a violator persists, the election team may call law enforcement.

E) Votes shall be counted by City Clerk staff in a manner that is accessible and open while consistent with City Clerk election procedures.

F) A post election challenge must be filed in writing, consistent with the citywide election procedures. It must specify the basis for the challenge and include documentation. The challenge will be processed according to the grievance procedure recommended by the NCRC.

G) The panel may immediately dismiss the appeal or may consider it further. It may ask for written comments from those involved in the election, and then make a decision.

The election monitor team must cooperate in this review.

If the challenge is found to have no merit, it will be dismissed. If the challenge has merit, the panel shall have the power to impose sanctions. Contrary to the current practice, challenges to the factual accuracy of self-affirmed stakeholder status may be considered by the appeals panel.

H) The dismissal of a challenge may be appealed to the Board of Neighborhood Commissioners, which will not be required to hear the appeal except under specified circumstances.

I) Volunteers may assist in the operation of the election. Volunteers may not be candidates in the elections they are assisting.

Recommendation #56: The Human Relations Commission (HRC) shall no longer serve as Final Decision Maker regarding challenges to neighborhood council elections, except in a transitional and training role for a revised system. The HRC shall focus its efforts on assisting neighborhood councils in the areas of diversity and intergroup relations. DONE shall inform neighborhood councils of the resources of the HRC.

Recommendation #57: Term limits for neighborhood council board members should be eliminated.

Recommendation #58: The responsibility for outreach for the neighborhood council system shall be shared between the City government and the neighborhood councils.

A) The City government shall research and apply methods of outreach on a regional and city-wide basis in order to encourage people to participate in neighborhood councils. A "best practices" model shall draw on what has already been working well.

- B) The City shall provide direct outreach services to neighborhood councils, organized on a regional basis.
- C) When outreach services are made available to neighborhood councils, every effort shall be made to reduce bureaucratic red tape. A separate track shall be established for neighborhood council outreach services provided by the City, e.g., printing.
- D) While the City government ought to have broad responsibility for improved outreach and participation, neighborhood councils have a major responsibility to be inclusive and engaging. DONE shall assist neighborhood councils to help make sure that these goals are being actively pursued.

Recommendation #59: The number of activities of neighborhood councils that obstruct participation (e.g., budget work, Brown Act, elections administration, searching for meeting space, clerical support, meeting notification) shall be drastically reduced. With the help of DONE, neighborhood councils shall explore ways to conduct engaging, effective meetings.

Recommendation #60: Legal implications of “town hall” models of neighborhood council meetings shall be explored with the City Attorney.

Recommendation #61: DONE shall be reorganized to highlight the community organizing and technical assistance aspects of its staff, rather than elections administration. DONE staff shall help neighborhood councils to create lean, engaging agendas.

Recommendation #62: DONE shall help neighborhood councils to gather data regarding the neighborhood council area, including “asset mapping” of neighborhood organizations and other vital community assets. DONE shall reach out to neighborhood interests, especially if they are not reached by the neighborhood council.

Recommendation #63: DONE shall revamp its website, and improve its electronic communication, while also finding new ways to reach neighborhood councils that have much less electronic usage. DONE shall post neighborhood council meeting minutes and agendas, regardless of whether the council has its own website. Neighborhood councils should submit on an annual basis, a list of names and contact information for their neighborhood council, which they would like added to the DONE database. Such list may include stakeholders such as alternates, committee chairs, committee members, and

non-voting stakeholders. There should also be a subscribe/ unsubscribe function.

Recommendation #64: DONE shall challenge and encourage neighborhood councils to be more inclusive and to become aware of ways in which participation by new people or groups is actively or passively discouraged.

Recommendation #65: Realistic standards for participation in neighborhood councils shall include the interests or groups that comprise the area represented by the neighborhood council to the greatest degree possible. Voter turnout and meeting attendance are desirable but are not the main indications of neighborhood council participation.

A) Neighborhood councils shall attempt to reflect the diverse geographic area of the neighborhood council and the diversity of community interests, ethnicity, race, gender, age, class, religion, homeowner and renter status and sexual orientation.

B) It is suggested that neighborhood councils create plans to guide the achievement of such diversity within their boards.

■ Chapter Five: City Assistance To Neighborhood Councils

Recommendation #66: Each neighborhood council should continue to receive equal, annual funding.

Recommendation #67: Funds unspent and unencumbered at the end of 3 years shall revert to a fund administered by DONE to support a neighborhood council program for outreach, education and communication for which neighborhood councils may apply based on demonstrated need.

Recommendation #68: Support from DONE in the funding program for individual neighborhood councils shall be streamlined.

A) DONE and ITA should be directed to create an electronic system for fiscal management for neighborhood councils, specifically creating financial accountability forms and all other fiscal approval procedures that can be done and approved online.

B) DONE should continue to implement the City Council’s policies on funding neighborhood councils. DONE shall continue to inform neighborhood councils of guidelines for the use of funds, and to inform

neighborhood councils about the avoidance of such conflicts of interest as self-dealing by Board members.

Recommendation #69: DONE shall prepare a menu of frequently needed clerical, office, and other administrative tasks and identify vendors who can provide them.

A) Neighborhood councils shall be offered the opportunity to purchase a “package” of clerical, administrative, and related services through the City, using their City funds.

B) DONE shall also assist neighborhood councils in pooling their resources to locate providers of clerical, administrative, and related services.

Recommendation #70: The City Attorney and DONE shall work together to develop guidelines outlining the benefits, liabilities, and methods for creating freestanding non-profit entities.

Recommendation #71: The City Council should also explore additional funds that neighborhood councils with a large resident base can apply for; which will supplement the operation of their neighborhood council.

Recommendation #72: The City shall provide translation services to neighborhood councils at no cost to individual neighborhood councils. The cost should be a collective cost of the neighborhood council system. DONE shall provide a cost estimate of this service. DONE shall establish guidelines for the provision of translation services.

Recommendation #73: The City shall, within seven years, appoint a commission to examine the progress of the neighborhood council system in light of the recommendations of the NCRC.

Introduction

The Mayor and Council shall appoint a commission as prescribed by ordinance to evaluate the provisions of this Article, the Regulations adopted pursuant to this Article, and the efficacy of the system of neighborhood councils no later than seven years after the adoption of the Charter. The commission shall make recommendations to the Council regarding changes to the Charter or the Regulations, as it deems appropriate .

-- Los Angeles City Charter, Article IX, Section 912

Neighborhood Councils: An Exercise in Grassroots Democracy

When Los Angeles voters adopted a new city charter in 1999, they created an entirely new system of neighborhood councils. The framers of the Charter realized that the neighborhood council system they proposed would be an exercise in democracy. This presented a groundbreaking opportunity and an equally daunting challenge: how to cultivate grassroots democracy in one of the country's most populous, most geographically vast, and culturally diverse urban metropolitan centers, with a historically low level of civic participation. Because it was uncertain whether and how this grand experiment would work, they built a review of that system into the Charter itself. Section 912 mandated that, after seven years, the Mayor and City Council must create a commission to evaluate the system and make recommendations to guide its further development.

Creation & Mandate of the Commission

The Neighborhood Council Review Commission ("NCRC" or "Commission") was created when the Council adopted, and the Mayor approved, Ordinance No. 177535, in Spring 2006. Each member of the Council appointed one representative to the Commission, and Mayor Antonio Villaraigosa selected fourteen, for a total of 29 commissioners. Seven of the Mayor's appointments came from a list of nominations put forward by neighborhood councils in each of the City's seven Area Planning Commission (APC) regions. The new NCRC was given 15 months (extended from the original time of 12) and a budget of \$500,000 to conduct research, deliberate, hold hearings and produce a report with its recommendations.

Pursuant to the Charter and the Ordinance, the Commission was directed to review and comment on the original goals and objectives for the citywide system of neighborhood councils, and also to review the works and documents of both the Elected and Appointed Charter Commissions. It was also directed to evaluate the legal status of neighborhood councils and their function, power and role within City government. The Ordinance also suggested that the Commission discuss, evaluate and make recommendations regarding but not limited to:

1. The definition of "stakeholder";
2. Outreach conducted in and around the Neighborhood Council community to evaluate: whether all people who want to participate in a Neighborhood Council may do so; whether the Neighborhood Councils are truly reflective of the demographic composition in their areas; and whether outreach efforts are made to all segments of the community, including non-profit organizations and renters;
3. The effectiveness and enhancement of the Early Notification System as established in the Los Angeles Administrative Code Section 22.810(f);
4. The orientation and training process for the Neighborhood Council board members and officers and methods to enhance training requirements and goals;
5. The current funding structure and amount of funding for each certified Neighborhood Council and other budgetary issues affecting Neighborhood Councils;
6. The manner in which Neighborhood Councils can, do, and should work together;
7. The manner in which Neighborhood Councils can, do and should work with their respective City Councilmembers and their staff;
8. The performance, success and accomplishments of

Neighborhood Councils;

9. The challenges of Neighborhood Councils, in particular Neighborhood Council elections;
10. The accountability of Neighborhood Councils, governmental officials and City officers;
11. The role, relationship, and effectiveness of the following, as relating to Neighborhood Councils: the Department of Neighborhood Empowerment, the Board of Neighborhood Commissioners, City Council offices, Office of the Mayor, all City boards and commissions; and
12. The role and effectiveness of establishing Memoranda of Understanding with specific, or all, City departments.

Organization of the Commission

The NCRC met for the first time on July 13, 2006 and elected Reverend Altagracia Perez (appointed by Council President Eric Garcetti) as Chairperson and Jacquelyn Dupont-Walker (a direct appointment of the Mayor) and Jason Lyon (a neighborhood council-nominated appointment by the Mayor) as Vice-Chairs. The three Chairs acted as a leadership team throughout the process.

The Commission decided that, in the interests of building consensus, all of its decisions would be made only by a majority vote of the full Commission. To emphasize deliberation, all votes were considered preliminary until the Commission's final meeting on September 18, 2007, when the commissioners adopted this report.

The Commission selected as Executive Director Dr. Raphael Sonenshein, a noted political science professor at California State University, Fullerton, who had served as Executive Director of the Appointed Charter Reform Commission in the 1990s. Dr. Sonenshein and the Commission were assisted by a research team including Richard Dickinson, Jason Greenwald, Adam Sonenshein, Stephanie Zhong, and Melina Abdullah. Walter Ruigu was the Commission's webmaster.

The Commission also received invaluable support from the offices of the City Clerk and the City Attorney. Patrice Lattimore of the Clerk's Office served as the principal city staff member for the Commission. Valerie Flores, along with Gregory Orland and Tom Griego, represented the City Attorney at all Commission meetings. Gwen Poindexter, head of the Neighborhood Council Advice Section in the City Attorney's office, assisted the

Commission regarding her office's legal opinions. Pat Kramer of Apple One transcribed the Commission's deliberations.

The NCRC retained two contractors to gather input from the public. The Commission employed the Social Science Research Center (SSRC) at California State University, Fullerton, directed by Dr. Gregory Robinson, to conduct a survey of current and former neighborhood council board members and a citywide survey of the general public. The NCRC also retained Katherine Padilla and Associates to facilitate a series of interactive public hearings on the Commission's preliminary recommendations and the services of Adwire, for development of the NCRC website.

Work of the Commission

The NCRC undertook a wide-ranging process of research, deliberation, and public input to reach its final recommendations.

The Commission examined:

- ⊙ Published works on participatory democracy and on the history of the neighborhood council system in Los Angeles
- ⊙ Presentations by the City Attorney's office on the Charter, ordinances and City Attorney opinions regarding the neighborhood council system
- ⊙ The City Controller's audit of the operations of the neighborhood council system, released in November 2006
- ⊙ The reports and publications produced by the University of Southern California's Civic Engagement Initiative, as well as a survey conducted by the Public Policy Institute of California (PPIC) in association with the University of Southern California (USC)
- ⊙ A poll conducted by the Center for the Study of Los Angeles at Loyola Marymount University
- ⊙ Issues regarding neighborhood councils that had been brought before the City Council and its committees
- ⊙ Input received from neighborhood councils, individual board members and stakeholders

Commission research included:

- ⊙ Article IX of the Charter, and the history of its creation by the Charter Commissions as well as Chapter 28 of the Los Angeles Administrative Code, Articles 1 and 2
- ⊙ Bylaws of all neighborhood councils to identify models of board structure

- ⊙ Neighborhood participation systems in other cities and how they dealt with the issues faced in Los Angeles
- ⊙ Voter turnout in neighborhood council elections
- ⊙ An SSRC survey of former and current neighborhood council board members
- ⊙ An SSRC citywide survey of Los Angeles residents
- ⊙ A name-by-name census analysis of all current board members, examining racial and ethnic representation on boards
- ⊙ Visits to neighborhood council meetings and to land use committee meetings
- ⊙ Analysis of neighborhood council spending patterns
- ⊙ Analysis of fiscal support of city to the system of neighborhood councils
- ⊙ Organizational analysis of key positions in the Department of Neighborhood Empowerment (DONE)
- ⊙ Analysis, summary and compilation of laws and legal opinions relevant to neighborhood councils
- ⊙ Analysis of neighborhood council outreach methods
- ⊙ Analysis of sources of neighborhood council Community Impact Statement (CIS) reports filed with the City

The Commission also formed committees that completed the following tasks:

- ⊙ Designing a peer grievance review process for complaints
- ⊙ Designing a peer grievance process for election challenges
- ⊙ Drafting a proposed Sunshine Law for neighborhood councils

From November 2006 through September 2007 the Commission conducted public deliberation meetings twice each month. Transcripts of these deliberations can be found at the Commission's website, www.ncrcda.org. NCRC meetings were conducted in public, and were broadcast live via CityPhone and on tape by CityView, Channel 35.

The commissioners divided their work into five areas:

- ⊙ Vision and Values
- ⊙ Powers and Roles
- ⊙ Governance
- ⊙ Outreach and Participation
- ⊙ City Assistance to Neighborhood Councils

The Commission conducted two sets of public hearings, with meetings during both rounds in all of the City's seven regions. The first round of hearings was conducted

between October 16, 2006 and February 15, 2007, and was interspersed with deliberations. The second round, conducted in June and July 2007, gave the community a chance to weigh in on the Commission's preliminary recommendations that were approved on June 19, 2007. These hearings were conducted in an interactive workshop format that encouraged discussion and provided several channels of feedback. After the interactive sessions were completed, the Commission resumed deliberations to respond to public input. This report includes relevant comments from the public hearings.

The Commission's final report summarizes the findings and recommendations of the NCRC and concludes with a vision for the future of the neighborhood council system in Los Angeles.

VISION & VALUES



“...for it is in the neighborhood, not across the world or even in the nation, that people talk to each other and amplify their feelings until they move to recover the source of value in their lives.”

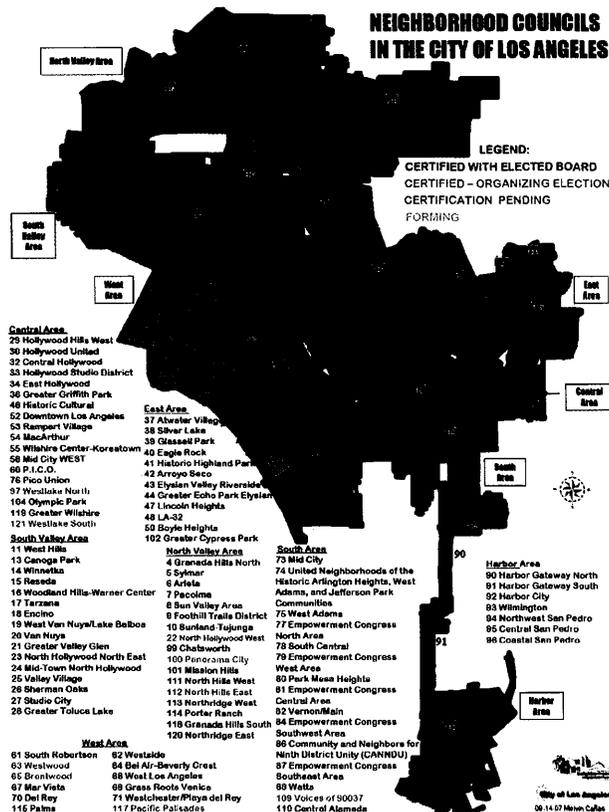
-- Milton Kotler

Chapter One: Vision and Values

The Neighborhood Council System: Past, Present, and Future

The Commission identified three stages of the neighborhood council system in Los Angeles: (1) the founding period, from the creation of the system until the time when most of the City was covered by certified neighborhood councils; (2) the present time, with nearly 90 functioning neighborhood councils; and (3) the future, the system that might yet come into being.

Fig. 1.1: Certified Neighborhood Councils, 2007



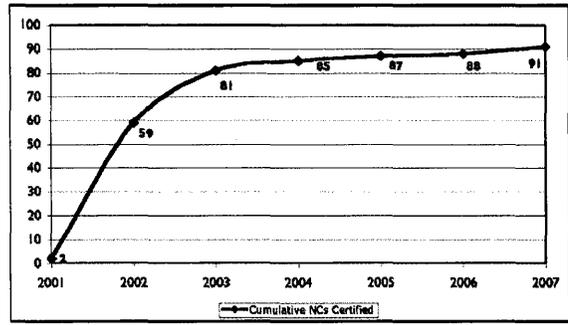
Source: Department of Neighborhood Empowerment (DONE)

When voters adopted the new Charter in 1999, they created the neighborhood council system as one answer to the discontent of neighborhoods that felt under-represented by city government. Another alternative that had been considered was a larger number of city council

seats. While the most visible sign of alienation was the San Fernando Valley secession movement, there were also voices raised in the Harbor and other parts of the city. There were concerns that City Council districts, at nearly a quarter-million people each -- the largest in the nation -- were too large to respond to many of the concerns of individual communities. But the Charter was vague about how the neighborhood council system would work, and it was left to City Hall to figure it out.

Some early decisions made the process particularly difficult. For example, all neighborhood councils were required to design their own governing structures and operating procedures. While this was consistent with the idea of neighborhood council independence, it ironically became a crushing burden for a system that needed to engage stakeholders, especially in communities with few individuals experienced in organizational management. Exercising abundant caution, the City imposed significant rules and bureaucratic requirements on neighborhood councils.

Fig. 1.2: The Path to Certification: Number of NCs Certified by Calendar Year



Source: Chart created by NCRC staff with DONE data

The system owes a great deal to the "founders" who worked their way through these challenges. But this difficult beginning had costs as well. In a survey of former and current neighborhood council board members conducted for the NCRC, current members were more optimistic and positive about the system than were the former board members on issue after issue. Former board members cited frustration with the neighborhood council system (34.6%) and too much time or effort required (16.5%) as their top reasons for no longer serving as board members.

Confronting the challenge of getting the system up and running, there was little opportunity to specify the mission, purpose, and design of the neighborhood council system. With time constraints, many decisions had to be made on an *ad hoc* basis. Getting the neighborhood councils certified became the overriding objective. Now, with the luxury of time, and with certification largely complete, the goal of the NCRC has been to refocus the system so that it can move toward the future with a renewed sense of mission and purpose.

Two Systems of Democracy

The neighborhood council system challenges Los Angeles to bring together two forms of democracy: *representative* and *participatory*. The City Council embodies the traditional system of representative democracy, whereas neighborhood councils provide forums for participatory democracy. These two systems often clash. But because each brings unique value to our civic process, a productive and cooperative relationship between the two would greatly enhance the City's democratic institutions. Establishing this working relationship is fundamental to the success or failure of the neighborhood council system.

In a representative system of government, the people's main political role is to vote for representatives who then deliberate on governmental matters. However, participatory democracy is built on the idea that voting for candidates is too narrow a role for the people, and that the people should have the opportunity to weigh in more deeply and more fully.

Elections are fundamental to representative democracy. Only elections confer legitimacy and the authority to govern on behalf of the people. The rules stipulating who can vote, and how votes are counted, are the well-recognized hallmarks of the American system of representative democracy. The system works in that the candidate elected gets to make policy for a time, until someone else elected by the voters displaces him or her.

Participatory democracy is a system that engages people in the process of decision-making. At the neighborhood level, it seeks to discover and amplify the varied voices of the community. In participatory democracy, elections are a vehicle, a means to an end. Leadership is facilitative, and designed to mobilize. Leaders in participatory democracy could be elected, appointed, or self selected.

At its best, participatory democracy can improve government by bringing to the table a host of new people, new groups, and fresh ideas. At its worst, participatory democracy can be chaotic and exclusionary. It is exciting and creative. It is also time consuming, and can be immensely frustrating. It can move the body politic in innovative ways, or it can be frustrated by what seems to be an immovable system.

One challenge for the neighborhood council system in Los Angeles is that it combines features of both representative and participatory democracies. Broader ranges of stakeholders participate than in a formal election system (a participatory model), but neighborhood council elections lead to the seating of board members who represent the community to City Hall (a representative model). When the systems work cooperatively, the board members can bring to the table the powerful combination of a participatory base of support as well as the legitimacy of having been chosen by the people to represent them.

So the neighborhood council system has a twin challenge: first to join together participatory and representative models within its own system, and then to bring that force to the fully representative model of City Hall.

“Participatory democracy is a system that engages people in the process of decision-making. At the neighborhood level, it seeks to discover and amplify the varied voices of the community. In participatory democracy, elections are a vehicle, a means to an end.”

Bringing the Two Systems Together

Much depends on the relationship between the two democracies, as they are embodied by the neighborhood councils and city government. A grudging, resentful relationship is unlikely to lead to successful outcomes. Getting to a positive, cooperative relationship depends partly on recognizing that they are different systems and respecting the unique strengths of each.

Elected officials who are vested with decision-making authority, such as City Councilmembers, have gone through extremely difficult elections to get where they are. They have opened up their personal and professional histories to intense public scrutiny. We depend on them to make major decisions, but we frequently deride them as “politicians.” We take them to task for the actions and decisions of city departments, and then we are surprised when they are reluctant to share decision-making authority within the government.

But those who are active in neighborhood democracy have their own reasons to be defensive. They are not professionals in civic affairs. They are volunteers, who sacrifice home life and professional hours to go to long meetings, to create a new organization and design its bylaws, and to try to navigate the city government. They make mistakes because, however well-informed they may be, they are still amateurs in a highly professionalized governmental system. They may wonder if their efforts are appreciated, or if instead they are dismissed as a nuisance.

This is the underlying challenge of achieving neighborhood democracy in America’s second largest city. Can neighborhood democracy take hold and thrive when the people who sit in representative and participatory positions must learn to understand and respect each other? Furthermore, most of the successful models of neighborhood democracy have been found in smaller, more homogenous communities. Can a system of neighborhood democracy be both cohesive and diverse?

In the NCRC survey, neighborhood council board members were asked to assess the accomplishments of their neighborhood councils. Asked to, “Please list the three most important accomplishments or successes of your NC,” current and former board members provided 1,808 open-ended responses that were classified into thirteen distinct categories, listed below in descending order of frequency.

Fig. 1.3: Most Important NC Accomplishments/Successes

NC Accomplishments	Count (%)
Influence a land-use decision or process	283 (15.7)
Beautification and other neighborhood improvements	280 (15.5)
Routine NC Business	227 (12.6)
Organize community event or program	196 (10.8)
Contribute, raise money for, or otherwise support a local agency, organization or cause	177 (9.8)
Outreach	141 (7.8)
Create a forum for stakeholders to communicate with one another, the City and other community groups.	177 (9.8)
Promoting community safety	99 (5.5)
Community Advocacy	89 (4.9)
Nothing	77 (4.3)
Liaison between the stakeholders and the city	50 (2.8)
Improving transportation	46 (2.5)
Other	40 (2.2)
Total	1808 (100)

Source: NCRC survey of current and former board members

These open-ended responses provide considerable insight into the diversity of activities undertaken by neighborhood councils. Their accomplishments are both tangible and intangible. In many instances, accomplishments involved planning and implementing a specific project or activity. In other cases, the neighborhood council assumed the role of an advocate, facilitator or convener. Neighborhood

councils' influence upon land-use decisions is the most frequently cited accomplishment (n=283, 15.7%), although it is still a comparatively small proportion of all neighborhood council accomplishments.

With this report, the Commission hopes not only to paint a picture of how the system works and where it falls short today, but to establish a vision of how it might look in the future. Things are considerably better than they were in the founding era, but they are not yet where they could be.

Early in its deliberations, the commissioners undertook a visioning exercise, imagining what they would want to see if they came back in seven years, if the City had adopted their proposals. This vision has guided the Commission through the detailed findings and recommendations that follow.

“By itself, voting does little to build a sense of community...Rebuilding citizenship in America means that reform must move beyond getting more people into private voting booths to getting more people to public forums where they can work with their neighbors to solve the problems of their community. Once America has real citizens, increased voting will be sure to follow.”

-- Jeffrey M. Berry, Kent E. Portnoy
& Ken Thomson, *The Rebirth of Urban Democracy*

VISION FOR THE SYSTEM OF NEIGHBORHOOD COUNCILS

1. The systems of representation and participation are complementary.
2. The neighborhood council system recruits and retains people who have the qualities that make participatory democracy successful.
3. Selection and/or election systems contribute to the recruitment and retention of people who have the qualities to make participatory democracy successful.
4. Participation in the neighborhood council system is broad and inclusive.
5. Neighborhood councils work together for common purposes and with other community groups.
6. Neighborhood councils reflect the needs, views, and opinions of the communities they represent, and empower all voices to be heard.
7. Neighborhood councils have influence within the city government.
8. Governance and day-to-day operation of the system contribute to effective community work, rather than bureaucracy, while maintaining accountability.
9. The system develops and retains a long-term vision and purpose.



POWERS & ROLES



“The culture of participation values problem solving more than winning...The more power you get, the more pressure there is to go to a real formal election system with winners and losers, and one side is ‘in’ and the other side is ‘out.’”

-- NCRC Staff Report

Chapter Two: Powers & Roles

Relationship between Neighborhood Councils and City Hall

The NCRC began its analysis of powers and roles by considering the legal relationship between the neighborhood councils and City Hall. While the Charter suggested that neighborhood councils should be as independent as possible, direct city funding raised questions of accountability. Treating the neighborhood councils as city agencies comparable to city commissions led to excessive bureaucratic requirements. The Commission has sought to balance the need for City oversight with the necessary autonomy and independence of neighborhood councils.

FINDING #1: The Charter does not specifically address the legal status of neighborhood councils. The Plan for a Citywide System of Neighborhood Councils (December 14, 2000) explicitly embraced the idea of neighborhood councils as independent bodies.

- ⊙ The Charter suggests that neighborhood councils should be largely independent, but also provides great detail on the certification process that must be conducted by the City, and specific requirements each proposed neighborhood council must meet.
- ⊙ Article II of the Plan states that “DONE shall encourage Neighborhood Councils to be as independent, self-governing, and directed as possible. DONE shall assist Neighborhood Councils in exploring options including, but not limited to, tax-exempt status and/or non-profit incorporation to strengthen their independence.”
- ⊙ This ambiguity created a policy vacuum that was filled by City policymakers through the adoption of the Plan for a System of Citywide Neighborhood Councils, and other City ordinances. The resulting legal implications were highlighted by the City Attorney’s office.
- ⊙ Among cities that have systems of neighborhood councils, it is more common to identify neighborhood councils as independent than as city agencies. However, most tend to be smaller cities that can more easily track and maintain contact with their neighborhood bodies.

FINDING #2: The nexus between City government and Neighborhood Councils has triggered the application of certain state laws.

- ⊙ Early opinions of the City Attorney’s office likened neighborhood councils to citizen commissions for purposes of determining whether certain state laws were applicable to them.
- ⊙ The Charter’s creation of the system of neighborhood councils triggered the application of the Ralph M. Brown Act (California’s open meeting law) to neighborhood councils.
- ⊙ The City’s allocation of \$50,000 annually to each neighborhood council for outreach and other projects triggered the application of the Political Reform Act to neighborhood council board members. However, because the amount was below \$70,000, the City was able to – and did – grant neighborhood council board members an exemption to the reporting requirements of the Political Reform Act. Board members are still subject to the substantive provisions of the state conflict of interest laws, including the Political Reform Act.

FINDING #3: Treating neighborhood councils as City agencies has created some challenges for the system.

- ⊙ Unlike citizen commissions, the operation and administration of neighborhood councils are not embedded within City Hall. Although neighborhood council boards cannot command city resources either in time, money, or staff, there is still an expectation that they will reach out to all members of their community, stage professional-level public meetings, and participate in community improvement projects.
- ⊙ As neighborhood councils have been increasingly defined as members of the “City family,” they are inevitably going to become more heavily regulated. Should this pattern continue, the city government may eventually become primarily a regulator of neighborhood councils rather than a facilitator.

FINDING #4: Some of the negative consequences of treating neighborhood councils like city agencies may be ameliorated by existing alternatives.

- ⊙ The City Council could seek an exemption from the requirements of the Political Reform Act and other state conflict of interest laws and replace them instead with a local conflict of interest law that the City could enforce and which could be tailored to the unique aspects of neighborhood councils.
- ⊙ Similarly, the City could seek to remove the burden of the Brown Act from neighborhood councils through state legislation and instead create more flexible, local “sunshine laws” that could be enforced at a local level.
- ⊙ Lastly, the City could revisit the decision to treat neighborhood councils as city agencies.

The Commission concluded that while the City should continue to treat neighborhood councils as City agencies, their status as semi-autonomous bodies needs to be addressed. The goal should be to support as much independence as possible while guaranteeing the proper use of City funds and other resources.

“Originally billed as a means to promote more participation in government and make government more responsive to local needs, neighborhood councils have been hamstrung by the very system they were intended to change.”

*—Los Angeles City Attorney’s opinion
February 3, 2004*

Powers of Neighborhood Councils: Decision Makers or Advisors?

The Commission then moved on to the question of what powers neighborhood councils should have. During the charter reform process, there was considerable debate about the powers and roles of neighborhood councils.

While some favored granting decision-making authority to neighborhood councils, the two charter commissions ultimately concluded that these bodies should be advisory

to the City government.

FINDING #5: While some have argued for more formal decision-making powers for neighborhood councils, similar systems in other cities are almost exclusively advisory. Of the fifteen researched cities with such systems, all but one are completely advisory. In Minneapolis, neighborhood bodies do not make decisions on policy, but have effective control of spending of a block of City development funds.

FINDING #6: Imbuing neighborhood councils with robust decision-making authority likely would subject to them to the Equal Protection clauses of the state and federal constitutions, as well as the state and federal Voting Rights Acts.

- ⊙ Triggering these state and federal laws would require extensive changes to the entire system of neighborhood councils that would change their fundamental character as grassroots, neighborhood organizations. For example, application of the Equal Protection Clause or the Voting Rights Act could exclude all but registered voters under the laws of California from voting in neighborhood council elections. It was the specific intent of the framers of the Charter that legal voting status not be a requirement for participation in the neighborhood council system.

Improving the Advisory Role

While the NCRC concluded that neighborhood councils should continue to play an advisory role in decisions made by the City government, the commissioners also determined that this advisory role should be as meaningful as possible. They adopted “structures of influence” by which the advisory authority of neighborhood councils could be more influential. These structures would be designed to build an active dialogue between neighborhood councils and City Hall.

As a whole, the system has not yet attained the systematic influence charter reformers expected. To some degree, the extent of neighborhood council influence is a matter of perception. In response to the NCRC survey question, “In your opinion, what about the NC system most needs to be changed so that it can realize its potential?” about a fifth (18.4%) of the board members

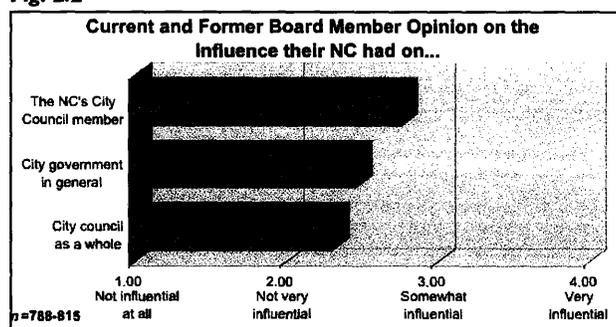
Fig. 2.1 Neighborhood Council Systems Across the Country

City	Population	# of NCs	Pop/# of NCs	Name		
New York, NY	8,009,000	59	135,746	Community Boards		
Los Angeles, CA	3,820,000	81	47,160	Neighborhood Councils	Considered to be city agencies	Designed to receive early warning of all city decisions, and have input into city budget, land use, utility rate-setting, and other issues
Houston, TX	1,954,000	88	22,205	Super Neighborhood Councils		
Columbus, OH	711,500	13	54,731	Area Commissions		
Portland, OR	529,200	95	5,571	Neighborhood Associations		
Minneapolis, MN	382,700	81	4,725	Neighborhood Revitalization Program		
St. Paul, MN	287,200	19	15,116	District Councils		
Raleigh, NC	276,100	18	15,339	Citizen Advisory Councils		
Anchorage, AK	260,300	38	6,850	Community Councils		
Tacoma, WA	193,600	8	24,200	Neighborhood Councils		
Dayton, OH	166,200	7	23,743	Priority Boards		
Vancouver, WA	143,600	60	2,393	Neighborhood Associations		
Eugene, OR	137,900	21	6,567	Neighborhood Associations		
Simi Valley, CA	111,400	4	27,850	Neighborhood Councils		
Missoula, MT	57,060	20	2,853	Neighborhood Councils		
Great Falls, MT	56,690	9	6,299	Neighborhood Councils		

Source: Prepared by Staff for NCRC

answering said something comparable to, “Neighborhood Councils should be recognized and taken seriously by the City.” Board members do not believe that city officials consistently heed their concerns, and some believe they are consistently ignored. City Council members appear to be the exception. “Your city council member” is the most frequently contacted city entity, office or department cited by current and former NC board members and Figure 2.2 illustrates board members’ belief that they have moderate influence upon their City councilmember, but are less influential upon the Council and city government as a whole.

Fig. 2.2



Source: NCRC Survey of Current and Former Board Members

Some neighborhood councils exert clear influence on city policy and some departments and councilmembers have been very open to neighborhood council input. In two prominent cases, the rollback of a DWP water rate increase and in the overturning of an Area Planning Commission decision regarding a big box home improvement store, neighborhood councils played a major role in the outcome. Affordable housing advocates and real estate developers consider some neighborhood councils, and the system as a whole, to be highly influential. In fact, “influencing a land use decision or process” is the most frequent category of neighborhood council accomplishments or successes identified by board members.

FINDING #6: Certain structures are already in place to enhance the influence of neighborhood councils within city government. However, improvements are needed.

- Current features include the Early Notification System (ENS), City website, and Community Impact Statements (CIS). City department heads can also negotiate Memoranda of Understanding (MOUs) with

neighborhood councils to expand and formalize their relationship. There is an established process for input from neighborhood councils on the Mayor’s budget.

- However, there are significant gaps in the ability of neighborhood councils to weigh in effectively as advisory bodies. Current technological inequities and access across the city also create inconsistent patterns of communication with neighborhood councils. Some neighborhood councils require channels beyond online communication methods like the ENS to stay fully informed.
- In the NCRC survey, current and former board members were informed, “The City is required to provide early notification of pending council items that may affect your community,” then asked, “How well is the city’s Early Notification System working for your NC regarding land use issues?” On a four-point scale where 1= “Not at all” and 4= “Very well,” the mean response is 2.64 (n = 775), more than a third point below “Somewhat well.” Regarding issues other than land use, the mean rating of the City’s Early Notification System is 2.35 (n = 714), lower on the scale than for land use issues, about a third point above “Somewhat poorly.”
- There is insufficient understanding across neighborhood councils about the Community Impact Statement process. Only a few neighborhood councils use the CIS, and a small number of neighborhood councils submit most of the statements. Neighborhood councils that do submit the CIS find that they cannot easily trace what happened with their advice.

The Commission framed the discussion on structures of influence around four goals:

- Neighborhood councils should know those matters on which the City is planning to make decisions.
- Neighborhood councils should have skills/assistance in learning how to weigh in on City decisions.
- Neighborhood councils should have clear vehicles for input into the City system.
- Neighborhood councils should have clear vehicles for feedback from the City back to the neighborhood councils about the preferences voiced by the neighborhood councils.

The Commission made a number of recommendations to further these four goals. These recommendations are designed to formalize processes for both notification to, and receipt of input from, neighborhood councils. These include requirements for each City department or agency to identify its decisions and decision-making processes.

In addition, the Commission sought ways to make the role of neighborhood council advice more proactive. The Commission recommends adoption of procedures to allow the Clerk to create City Council files based on neighborhood council recommendations.

The Commission concluded that clarifying the legal role of the neighborhood councils and stimulating the interchange of neighborhood council input and City feedback will help create a more transparent, effective system of advisory influence. The Commission also believes that a lively circle of input and feedback will stimulate participation at the grassroots as people see that their involvement affects decision-making.

Finally, the Commission could not find consensus on proposals to either recommend or not recommend that neighborhood councils be authorized to file land-use appeals. Therefore, the NCRC makes no recommendation.

■ NCRC RECOMMENDATIONS

Recommendation #1: Neighborhood councils shall remain advisory.

Recommendation #2: Neighborhood councils shall continue to be considered as City entities. Consistent with the recommendations of the NCRC in such areas as elections and fiscal administration, the City shall make every effort to implement the structure of the neighborhood council system so that unnecessary bureaucratic requirements are not placed on neighborhood councils, recognizing that neighborhood councils are not traditional City agencies.

Recommendation #3: The City shall facilitate the filing of Council files by neighborhood councils when submitted by three neighborhood councils. This shall be a two-year pilot project and it shall be evaluated.

Commentary: While this recommendation requires the City Clerk to file paperwork, it does not compel the City Council or any other City agency to take any action. Rather, it is a way for a neighborhood council to inject its concerns into the public record. There has been some concern about the possibility that the influx of Council files could overwhelm the City Clerk's office. However, those concerns have not been supported by the City Clerk. Further, the City Attorney has advised that this is a procedural matter and would not overstep neighborhood councils' advisory role.

Recommendation #4: The methods of providing formal information to neighborhood councils shall be upgraded, simplified, and made as user-friendly as possible.

Recommendation #5:

A) The Mayor shall direct chief administrative officers of each City department, office and commission to submit, within 90 days of enactment of an ordinance including this recommendation, to the City Administrative Officer (CAO), the Mayor and DONE, procedures to enable neighborhood councils to influence decisions made by that department, especially decisions affecting programs, activities and spending. At a minimum, these procedures shall include:

- (1) A list identifying the decisions, or types of decisions, made by that department in which any community or neighborhood has a stake. At a minimum, this list shall include any decision involving the expenditure of public funds for a project or program that has a specific location (e.g., capital improvements to streets, sidewalks, parks, libraries; youth programs; cable television franchise renewals/modifications, etc.), and those deemed likely to affect the quality of life of a community's stakeholders (positively or negatively).
- (2) General timelines for that department's decision-making processes;
- (3) For each decision-making process, procedures for providing early notification to neighborhood councils that are designed to enable neighborhood councils to influence decisions made by that department, especially decisions affecting programs, activities and spending. Such procedures may include:
 - a) For long-term programmatic decision-making

- processes, a semiannual or periodic report detailing upcoming decisions in which a community or neighborhood has a stake, including the timeline for such decisions; or
- b) For decisions that are more immediate, *ad hoc* or short-term (for which a periodic report would not provide sufficient notice), procedures for notification on an issue-by-issue or case-by-case basis.
 - c) Procedures for incorporating input from neighborhood councils into decision-making.
 - d) To the maximum extent practicable, these procedures shall be developed with the participation of neighborhood councils. Among the tools that general managers shall be encouraged to utilize are Memoranda of Understanding (MOUs).

Recommendation #6: Chief administrative officers shall be required to report to the Mayor and City Council on an annual basis on the extent of cooperative efforts with neighborhood councils.

Recommendation #7:

- A) The Mayor shall require each City department to provide DONE with a list of contact people for neighborhood councils.
- B) Departments may provide lists of contact persons identified by function and/or geographic area, depending on how that department operates. For example, the Planning Department should provide contact information for planners assigned to each community, specific or other plan, and the zoning administrator(s) assigned to each area; the Department of Transportation should provide information for transportation engineers, neighborhood traffic planners, etc.
- C) DONE shall keep departmental contact information updated, and provide such information to each neighborhood council.

Recommendation #8:

- (A) The City shall continue to upgrade and modernize the on-line Council File Index, including making agenda items searchable by topic, area, keyword and term, and capable of being followed online.
- (B) The City shall establish a system to automatically send electronic notices to persons who have requested such notice whenever there is activity on a Council File, keyword, or term.

- (C) City agenda items shall list the affected neighborhood council(s).
- (D) The City shall establish a recommended standard for early notification as a minimum of 60 days from introduction of any motion/case/file to final decision. It is understood that such a requirement will serve as a guideline and not a mandate, as many conditions will require more rapid action. Conversely, for longer decision-making processes such as capital spending programs, utility rate increases, etc., 60 days might be unreasonably short.
- (E) The City shall define "a reasonable opportunity to provide input" as a minimum of seven calendar days from the date of first broad public notification (e.g., the announcement of a new council file in the Council File Referral, or a similar notification sent to the DONE database).
- (F) Notwithstanding the above, Council Rules #16 and #23 will continue to allow the City Council to handle matters on an emergency or expedited basis. The NCRC recommends revising Council Rules #16 and #23 to include the following: "When such items are introduced before the Council, the Clerk will note for the record that the Early Warning requirements of Charter Section 907 have been waived."
- (G) The City Council is requested to review its policies and procedures and revise as necessary to lessen the likelihood of major policy issues being heard without previous opportunity for public input.
- (H) DONE shall, within six months of the implementation of this recommendation, ensure that it has complied with the provision of the Plan which states, "Subject to all other provisions of this Plan, all Certified Neighborhood Councils shall be provided access to a computer and to the Internet. DONE shall provide technical training on the use of a computer to each Certified Neighborhood Council."

Recommendation #9: All neighborhood councils shall, to the greatest extent possible, monitor the regular business of the city and inform themselves of issues of importance to their neighborhood council and the city as a whole.

Recommendation #10: The NCRC recommends the following additions and revisions to the "Plan for Including Community Impact Statements on Agendas" (Council File #02-1482)

- A) Formal communications to the City Council (Community Impact Statements) shall be logged by the

City Clerk. Neighborhood councils are encouraged to submit community impact statements via the City Clerk's electronic input system, but they may also be submitted via fax, mail or hand-delivery (with proper signature).

- B) The progress of Community Impact Statements through the City system shall be easy to track.
- C) If not submitted on-line, Community Impact Statements should include a clearly-identified 100-word summary statement.
- D) Because the primary value of the Community Impact Statement is its transparency and clarity, the CIS Plan shall be amended to require the City Clerk to include, on all City agendas, the first 100 words of each summary Community Impact Statement received with the relevant agenda item.
- E) City boards and commissions shall process Community Impact Statements in accordance with the processes established for the City Council. Administrative staff for all City boards and commissions shall be trained in proper handling of community impact statements, including how to process revised or updated statements.
- F) DONE shall provide training to neighborhood councils on how to submit Community Impact Statements.

Recommendation #11: The City's website shall be modified so that individuals can send the same message to all members of the City Council at the same time with a single command.

Recommendation #12: To enhance public comment from stakeholders, the City shall identify funding for remote public comment at full Council meetings and City Council committee meetings, if possible, in more areas around the City. If it is not found to be financially feasible, another live method such as phone or Internet may be used.

Recommendation #13:

- A) DONE, in cooperation with City Departments, shall continue and expand its voluntary training sessions on (1) substantive City policies and programs; and (2) how City Hall works, how to access City Hall, and how to influence City decisions. Such training shall be available in a variety of formats, including live workshops, on-demand sessions online, and printed materials.
- B) The City shall provide training for City employees on communicating with neighborhood councils. These sessions shall also include "cross-cultural

communications" training between neighborhood council members and City employees.

Recommendation #14: The opinions and input of neighborhood councils to City agencies shall be formally noted by the appropriate decision maker in the decision.

Recommendation #15: DONE, Los Angeles Housing Department (LAHD) and the Department of City Planning shall make presentations to neighborhood councils to educate about the land use process and the various housing needs in the city.

Recommendation #16: City Council offices shall be encouraged to respond in a timely manner on matters submitted to them by neighborhood councils in their district.

Recommendation #17:

- A) The City shall formally encourage developers to be in contact with neighborhood councils at the earliest possible time. If a project is subject to major change after initial neighborhood council review, the review shall begin again.
- B) Neighborhood councils shall adopt set procedures for reaching decisions on land use matters that are time-limited and consistent. Notification of all parties shall be consistent and usable.
- C) To maximize their effectiveness, neighborhood councils should seek education in land use issues and processes coordinated by DONE and provided by land use experts.

GOVERNANCE and NC System



“A good governance system almost always leads to good government. Not always to good decisions, but the likelihood of good decisions... You’ll often find people working with effectiveness, accountability and efficiency.”

-- NCRC Staff Report

Chapter Three: Governance

A Weakened Structure

The current governance structure of the neighborhood council system includes a number of City agencies. The City Council and the Mayor set policy for the neighborhood council system. The principal department is the Department of Neighborhood Empowerment (DONE), which is in turn advised by a citizen commission, the Board of Neighborhood Commissioners (BONC). The City Attorney provides legal advice. The Human Relations Commission settles most election challenges. Yet nowhere in the governance structure is there a place for neighborhood councils to help address the problems that arise in the system. This aspect of “self-governance” would make a major contribution to the system.

In the NCRC survey, board members were asked in response to the question, “If you could fix up to three things about the way your neighborhood council operates, what would they be?” the most frequent category of response was, “Restructure and standardize bylaws, guidelines, requirements, etc.”

After much research and deliberation, the Commission has concluded that the overall neighborhood council system is not governed in the best possible way. Government agencies that could help the system are not sufficiently tapped, and some that have filled those roles ought to be helping in different ways. Furthermore, the potential for self-governance in the neighborhood council system has been insufficiently developed. At times, the City has imposed rules that have made the system slower and more bureaucratic when there are simpler alternative structures available. As a result, even well-meaning public officials may find themselves limited in their ability to make and implement good decisions. This chapter enumerates some of the changes that could significantly strengthen and improve the governance system for neighborhood councils.

The Department of Neighborhood Empowerment (DONE)

Finding #1: The Charter framers treated the Department of Neighborhood Empowerment (DONE) as the central institution in the governance of a system of neighborhood councils. But neither its role nor its identity

after the startup period were clarified by the Charter nor in subsequent ordinances. DONE has been buffeted by conflicting calls to be supportive of neighborhood councils, and to be their chief regulator. In view of these opposing directions, it is not surprising that NC board members’ appraisals of DONE are mixed. Many board members noted that the resources, training and help provided by DONE play a significant role in the smooth operation of neighborhood councils. However, others fault the organization for a lack of responsiveness and for guidelines or rules that are too complex, unclear, or impede NC business. By contrast, other cities with successful neighborhood council systems tend to have City departments with clear-cut roles supporting the councils.

- ⊙ Ten of 12 agencies in comparison cities that responded to our survey emphasized strongly that they see their roles as supporters of neighborhood councils rather than regulators.
- ⊙ DONE staff spend a significant amount of their time on administrative tasks such as review of bylaws and elections administration. This problem was cited in the City Controller’s audit.
- ⊙ The current job descriptions for DONE staff do not offer sufficient flexibility for the roles that may be required.

The Board of Neighborhood Commissioners (BONC)

Finding #2: The Board of Neighborhood Commissioners (BONC) was created late in the Charter process and its role received far less definition than that of DONE. As a result, BONC has a poorly defined and limited role and BONC is underutilized as a part of the governing system. The NCRC survey of current and former board members found a very low level of recognition of the existence and role of BONC among these activists.

- ⊙ BONC is an advisory commission. BONC cannot direct or manage the department. It cannot give orders to the General Manager on the management of the Department. The General Manager of DONE is the head of the department.
- ⊙ Charter Section 902 says the seven-person BONC “shall be responsible for policy setting and policy oversight, including the approval of contracts and leases and the promulgation of rules and regulations.”

But the Charter doesn't clearly define this policy role.

- ⊙ BONC's major role has been as the final decision-maker in the certification process for neighborhood councils.

Finding #3: The members of the Board of Neighborhood Commissioners are currently appointed by the Mayor and confirmed by the City Council, and removed by the Mayor alone. While there are seven members of the Commission, no provision is made to require them to come from each of the seven planning regions of the city.

Finding #4: Other agencies of government, including the City Clerk and the Human Relations Commission, are not playing their ideal governance roles for the neighborhood council system.

- ⊙ The City Clerk has immense experience in running elections, but does not play a central role in neighborhood council elections. The NCRC survey of board members found that the call to standardize NC election procedures is widespread and unrelated to whether board members assess their NC election processes positively or negatively.
- ⊙ While the Human Relations Commission is highly skilled at bringing diverse communities together and dealing with intergroup tensions, its role in the neighborhood council system is now confined to acting as arbiter of election disputes.
- ⊙ Every neighborhood council must, by Charter, have a grievance system in its bylaws, but these systems are not uniform. The City has several mediation and conflict resolution services, including in the City Attorney's office, but they are neither widely known nor widely used. At least four comparison cities have mediation services available to neighborhood councils to help them solve problems independently. And neighborhood councils do not play a role in the appeal of grievances.

Regional Approach

Finding #5: The governance system has not significantly taken advantage of, or benefited from, the regional structure established in the 1999 Charter. This structure could help facilitate the self-governance of the neighborhood council system.

- ⊙ DONE and other City agencies try to assist and regulate 89 neighborhood councils with more than 1,600 board members spread throughout a city that covers more than 465 square miles.
- ⊙ The City has already regionalized a number of City functions and operations, with the seven Area Planning Commissions being one such template.
- ⊙ Of the comparison cities we examined, most have a regional or citywide body on which neighborhood councils are represented. At least 11 of 15 cities have intermediary bodies, either regional or citywide. The most well-established is probably Portland's system of seven mostly non-profit, regional District Coalitions that support neighborhood councils. The city contracts with the District Coalitions for technical services to the local boards.
- ⊙ In Los Angeles, the work of DONE project coordinators could be systematically organized within the regions.
- ⊙ Liaison between City departments and neighborhood councils might be more effective with the intermediate connection to regional bodies.
- ⊙ A regional approach could draw together neighborhood councils into regional and citywide alliances.

Transparency of Public Business

Finding #6: The application of the Brown Act to neighborhood councils has made it difficult for some useful communications to be conducted within neighborhood councils. An alternative system could ensure transparency while allowing flexibility more appropriate for volunteer organizations. It would also allow greater enforcement of open meeting laws than is currently available under the Brown Act.

Bylaws Coherence

Finding #7: The early decision to have neighborhood councils write their own bylaws was ill-advised. The result is great variety among neighborhood council bylaws, not only in substance but in structure, style, and terminology. Communication between and among neighborhood councils is impeded by the lack of a common bylaws framework.

■ NCRC RECOMMENDATIONS

Recommendation #18: DONE shall have as its primary role one that is facilitative and supportive to neighborhood councils.

Recommendation #19: As long as its primary role remains assistance to neighborhood councils, the Department shall have primary responsibility for the oversight of and implementation of services to the neighborhood council system. As part of this role, DONE shall receive notice of grievances under the system proposed by the NCRC. Oversight and services shall include but not be limited to: education programs, counseling, mediation, promotion of best practices, and voluntary training. DONE shall also provide focused assistance to neighborhood councils experiencing operational and/or functional difficulties. DONE shall also make recommendations for adjudication to BONC.

Recommendation #20: Whether or not DONE is able to retain its exempt positions, DONE shall devise job descriptions that accurately reflect the unusual nature of DONE staff roles, including but not limited to, hours of work, and type of skills required. The City shall assist in this process by recognizing the unique nature of the DONE mission, and its need for a lean, flexible approach.

Recommendation #21: City officials shall consider the budget implications of DONE providing technical assistance to neighborhood councils in such areas as outreach, office space location, accounting, clerical services, and other items, as well as the technical upgrades needed to reach a large constituency of neighborhood councils.

Recommendation #22: The role of BONC shall be clarified and expanded. The role of BONC is defined as a policy and rule making, regulatory and disciplinary body.

Recommendation #23: BONC shall continue as a City commission, subject to the Charter provisions on City commissions, and shall remain advisory with respect to the day-to-day operations at DONE. In the exercise of its powers, BONC shall be subject to the City Council's authority under Charter Section 245 to review and remand decisions of City commissions.

Recommendation #24: BONC shall be responsible for policy making and oversight, approval of contracts and leases, and the promulgation of rules and regulations,

subject to the Charter and the ordinance authority of the City Council.

Recommendation #25: BONC shall play a role as a final appeal for the grievance system.

Recommendation #26: BONC shall have the central role in approving broad policies for the neighborhood council system, with such policy making role based upon recommendations from the DONE General Manager and input from the neighborhood councils and the public. In areas of policy that have not been preempted by the Charter or by ordinance, BONC shall have the authority to make policies for the neighborhood council system.

Recommendation #27: The General Manager of DONE shall be the head of the Department and shall have full control and authority over the operations of the Department. BONC's policy making authority shall in no way impinge upon the General Manager's role as the chief administrative officer of the department, nor the General Manager's direct role in working with neighborhood councils on implementing policies embodied in the neighborhood council bylaws and in citywide rules and regulations.

Recommendation #28: As long as they are consistent with the Charter, Ordinance, or policies adopted by BONC, the General Manager of DONE shall have the authority to set rules and procedures for the management of DONE. The absence of a policy shall not preclude the General Manager from taking action.

Recommendation #29: In addition to making policies for the neighborhood council system, BONC shall conduct periodic public hearings and open deliberations on the policy direction of the neighborhood council system and formulate recommendations to DONE, the City Council, and the neighborhood councils.

Recommendation #30: As the only city agency both directly involved with neighborhood councils and subject to the Brown Act, the BONC shall make policies, rules, and regulations only through a process that sets the highest standard for open, participatory governance, engaging in outreach that is wide-ranging and technologically advanced. Through this process, neighborhood council stakeholders will be able to learn the best practices for outreach and notification and be fully aware of actions taken by BONC that can impact their activities.

Recommendation #31: Unless clearly inapplicable, BONC shall be subject to the policies, rules, and regulations it establishes for neighborhood councils.

Recommendation #32: The Mayor shall continue to appoint and remove members of BONC, subject to Council confirmation. The Mayor shall remove commissioners at will. At least four of the commissioners must be current or former members of a neighborhood council board. The Mayor shall seek input from neighborhood councils during the process of nominating commissioners. The list may include stakeholders who are and are not associated with neighborhood councils.

Recommendation #33: The Board shall be comprised of seven members, each of whom shall represent the interests of the City in its entirety.

Recommendation #34: BONC's appointment structure shall be revamped to fit within a regionalized structure, by ensuring that the seven members are selected with one from each of the seven Area Planning Commission regions.

Recommendation #35: The members shall reflect the diverse geographic areas of the City and the diversity of communities of interest, neighborhoods, ethnicity, race, gender, age, class, homeowner/renter status and sexual orientation.

Recommendation #36: The BONC shall meet annually with the City Council and representatives of neighborhood councils to offer a report and self-evaluation of its activities for the previous year.

Recommendation #37: Subject to uniform procedures, all grievances in the first instance shall be heard at the neighborhood council level. A regional commission shall be established in each planning area. The commissioners are to be chosen by the neighborhood councils. In the first step after the neighborhood council level, a grievance or complaint is taken to the regional commission for the appropriate area. The decision can be appealed to the BONC, but 1) only if BONC agrees to take appeal and 2) the appeal must be based on a violation of bylaws or other stated rules and affect all neighborhood councils, and 3) BONC can render a final decision. City Council can overturn BONC's decision in accordance with Charter Section 245. See *Figure 3.1 on next page for proposed regional grievance model.*

Recommendation #38:

- A) There shall be a new Sunshine Law that incorporates the Brown Act and the California Public Records Act provisions that shall continue to apply to neighborhood councils but that is tailored specifically to the needs of the neighborhood council system and that ensures transparent, fair and accessible rules for neighborhood council meetings.
- B) At a minimum, a new Sunshine Law in regard to neighborhood councils shall not prevent neighborhood councils from lobbying a majority of members of the City Council on an issue of concern to the neighborhood council.

The full draft of the Sunshine Law appears as an attachment in this report.

Recommendation #39: DONE shall undertake a two-year project with the neighborhood councils to develop more consistent bylaws in form and structure. The purpose of this project would be to develop bylaws that leave room for creative decisions about governance, while developing recognizable, comparable terms, structures, and definitions. At the end of the project, DONE shall identify ways for sections of bylaws that should be uniform to be made uniform.

- A) Neighborhood councils shall be encouraged to identify a "bylaws volunteer" to work with DONE on bylaws development so that minimal Board time is spent on bylaws revisions.
- B) DONE shall create a glossary of common terms and ask neighborhood councils to adopt them as part of their bylaws and to update their bylaws to be in compliance with them, in those places where their terms were defined differently.
- C) DONE shall create and distribute a template that is more standardized, while allowing some flexibility.
- D) DONE shall help educate neighborhood councils that in those situations in which neighborhood council bylaws do not accord with City policies, that the City's definition will prevail. The applicability of such City policies does not have to await revisions of bylaws.

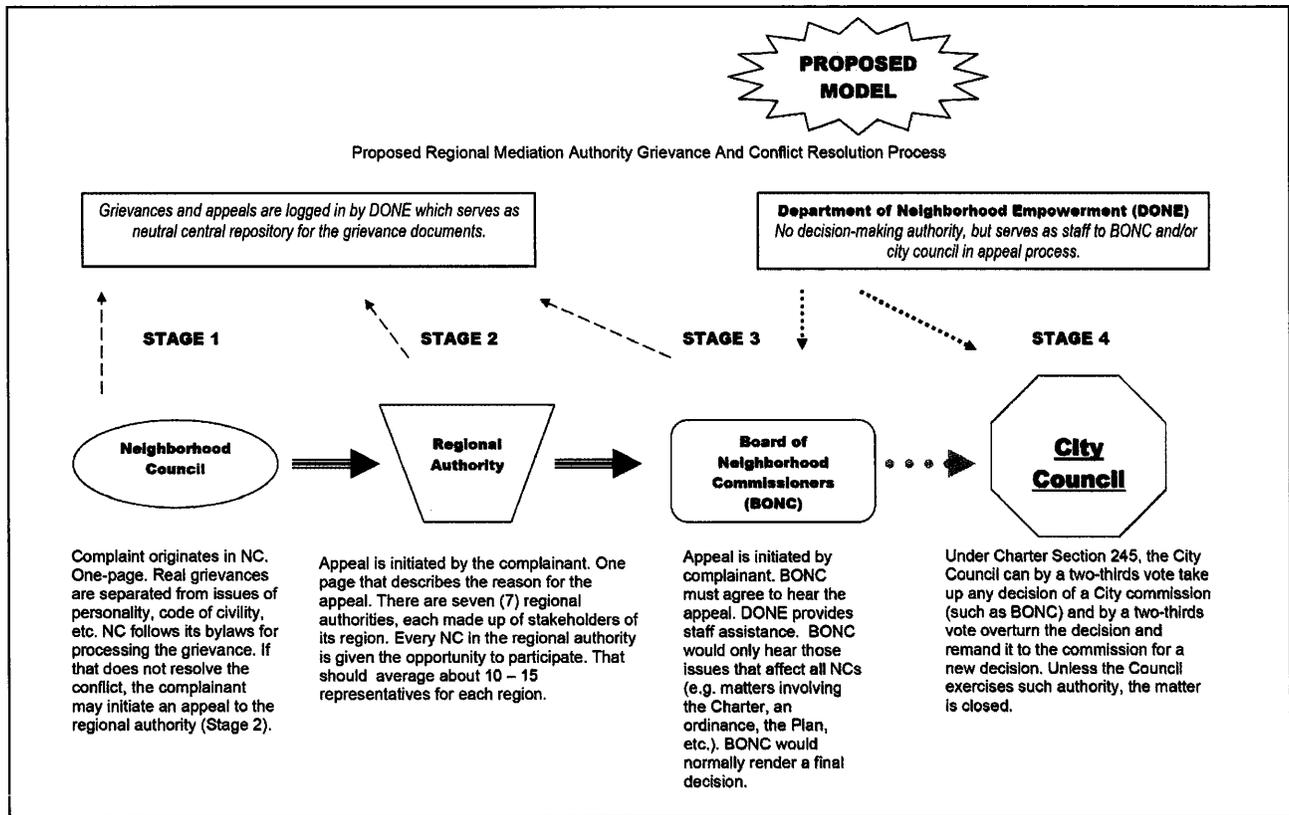
Recommendation #40: BONC shall propose a policy on neighborhood council subdivisions to the City Council after taking input from neighborhood councils and stakeholders.

- A) A subdivision policy shall give priority to subdivisions of neighborhood councils with a resident base in the

- top 25th percentile of all neighborhood councils.
- B) The burden of proof for a subdivision should be on the applying neighborhood council to ensure that neighborhoods are not abandoned by neighborhood councils.
- C) If a neighborhood council applies for subdivision, each new portion of the neighborhood council shall apply for certification as a new neighborhood council. The processes of subdivision and certification of the new neighborhood councils shall occur concurrently so as not to disenfranchise the existing stakeholders.

Recommendation #4I: The Plan shall be amended to recognize the right of neighborhood councils to join together in regional and citywide alliances.

Fig. 3.1 Proposed Regional Grievance Model



OUTREACH & PARTICIPATION



“The culture of participation values problem solving more than winning...The more power you get, the more pressure there is to go to a real formal election system with winners and losers, and one side is ‘in’ and the other side is ‘out.’ ”

-- NCRC Staff Report.

Chapter Four: Outreach and Participation

Four-Stage Model of Participation

Outreach and participation are central to neighborhood democracy. For the neighborhood council system to succeed, community groups and individuals must buy-in and legitimize the system. This buy-in is perhaps best measured by the degree to which stakeholders recognize the system as a meaningful and effective outlet through which they can voice their concerns and engage in the city's decision-making process.

The Commission designed a four-stage model of participation that the neighborhood council system that could be used as a way to look for systematic weaknesses and strengths. The Commission proposes that there are four stages of participation: awareness, welcoming, effectiveness of neighborhood council activities, and City responsiveness.

If people are aware of neighborhood councils, they become

potential participants. If they are made to feel welcome at neighborhood councils meetings or events, especially their first one, they are more likely to return or become involved. If the activities of the neighborhood council are engaging and effective, their participation will be valuable and valued. Finally, if the City shows its responsiveness to the expressed interest of the neighborhood council, the feedback loop will be complete.

Responsibility for Outreach

The Commission believes that the burden of outreach has been inappropriately placed on individual neighborhood councils, which have borne the primary responsibility of informing the public about the system, conducting elections, and developing mechanisms for stakeholder participation, in addition to their duties in studying and advising the City on issues of concern to the community. In the NCRC survey, the second most frequent mentioned "fix" by board members to improve neighborhood council operations is to increase diversity of stakeholders and

Proposed Model of Participation - Adopted by the NCRC



AWARENESS	WELCOMING	NC ACTIVITY	CITY RESPONSIVENESS
1. Citywide awareness as measured by random survey of citywide residents	1. Survey of first time visitors to NC meetings, perhaps as a regular feature of NCs to have a form available.	1. Number of CIS submitted	1. Presence of city staff at NC meetings
2. Survey of community organizations to assess their awareness of NCs.	2. Analysis of meeting dynamics by DONE staff or by NC volunteers	2. Surveys of NC boards and stakeholders regarding effectiveness	2. City response and follow-through to NC input
3. Analysis of measures to generate awareness by DONE and by NCs	3. To what extent are stakeholders invited to play a role beyond Brown Act comments?	3. Number and quality of collaborative projects	3. Awareness among city officials of NC views
	4. Surveys of community organizations to assess if they felt welcome at meetings	4. Extent to which community participates in projects	4. City policies reflect community input.
	5. To what extent does the NC system engage its various community groups and institutions?		

community participation by increasing and improving outreach. The responsibility for stakeholder recruitment and retention should be shared between neighborhood councils and the city government.

Currently, each neighborhood council develops and carries out its own elections, with some support from DONE. A great deal of time, energy and resources have been expended by neighborhood councils on the elections process. The Commission believes that the standardization of elections and utilization of the City Clerk would make elections run more smoothly and allow neighborhood council board members to expend more of their energy elsewhere.

Neighborhood council board outreach is often limited by the body of knowledge held by individual board members. Where most boards make a fair attempt to outreach to their areas, no organized citywide method of outreach is in place. This could be a key function of DONE, to engage in asset mapping, through which area community organizations, businesses, and institutions are identified so that neighborhood councils might outreach to those entities and individuals. Identified institutions might serve as collaborative partners with which neighborhood councils can advocate for additional resources.

Neighborhood council meetings are generally held in a traditional fashion that tends to allow participation largely through official channels such as public comment periods. Alternative neighborhood council meeting styles might include town halls, which include non-board stakeholders in deliberations. Such models might be more effective in stimulating participation. The legality of such meeting formats should be explored. The interactive workshop format utilized by the NCRC in seeking public comment had some advantages even over the town hall model, because it offered multiple outlets for participation. No one is required to stand up in front of a large group to comment, and there are opportunities for interchange and discussion.

Stakeholder Definition

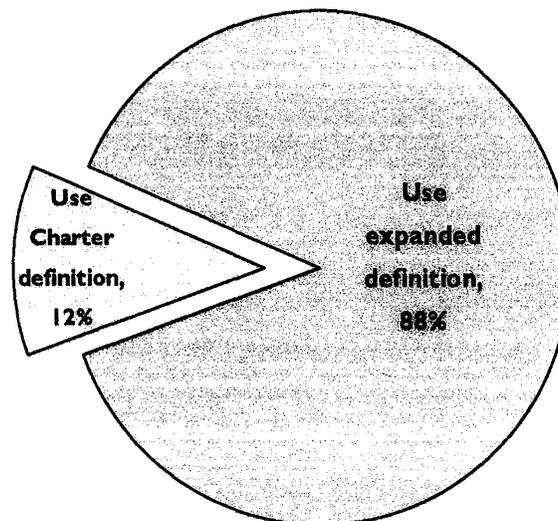
Finding #1: The Charter and the Plan left stakeholder definitions intentionally broad, in an effort to include groups that have been historically less involved, including non-citizens. While individual neighborhood councils have some flexibility regarding age limits, as well as voting categories based on defined constituencies, in general

neighborhood councils can only expand the definition beyond what the Charter and Plan authorize.

- ⊙ The Charter defines stakeholders as those who “live work, or own property” in the neighborhood. The Plan gave neighborhood councils the option to expand stakeholder status to those who belong to a variety of listed organizations. NCRC staff research indicates that 88 percent of neighborhood councils have expanded their stakeholder definition beyond that of the Charter.

Fig. 4.1 Stakeholder Definition by Neighborhood Councils

Source: NCRC Staff Analysis of Bylaws

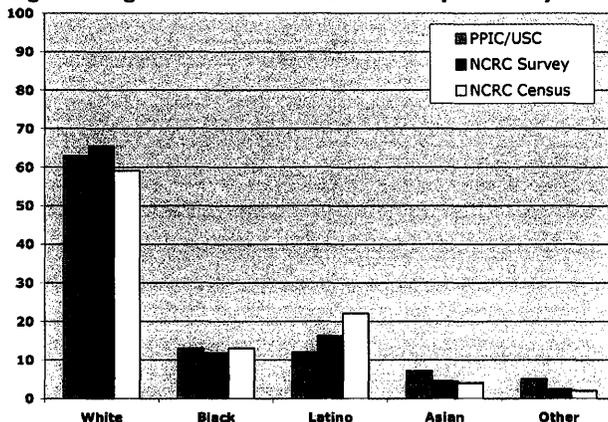


Current Participation in Neighborhood Councils

Finding #2: Surveys of neighborhood council boards by the NCRC, the Public Policy Institute of California in association with USC, and Loyola Marymount University, generally agree that board members are more likely to be white, homeowners, more affluent, and better educated than the population as a whole. However, a “census” by NCRC staff (in which a one-by-one racial/ethnic identification of board members was conducted based on names and photos when available from the DONE and individual neighborhood council websites) found a somewhat higher share of Latino board members than did

the surveys.

Fig. 4.3 Neighborhood Council Board Composition by Race



Of the 593 current and former board members who reported their income, 41.8% are at \$100,000 or more per year, compared to 17% of the city's population reported by the U.S. Census in 2005. Although the majority of current and former neighborhood council board members are married (55.5%), more than three-quarters (75.8%) do not have children 18 years of age or younger, currently residing in their households. More than two thirds (67.9%) of current and former neighborhood council members have a Bachelor's or a graduate or professional degree. Among those employed, 77.3% report working in a profession. Although just 43% of neighborhood council board members report full-time employment, every five (5) current and former neighborhood council board members is retired, however, and not employed.

Source: NCRC Survey of Current and Former Board Members

- ⊙ The expectation that neighborhood council composition will exactly reflect the area's demographics is worthy, but in some cases unrealistic. Civic and political engagement generally favor the same groups that are highly represented on neighborhood council boards. However, because the neighborhood democracy model is meant to reach more deeply into the community than traditional outreach models, the goal of diversity must be pursued aggressively.

The Need for Community Organizing

Finding #3: DONE staff has been limited in its ability to act as “community organizers” in the areas of outreach and participation because of the time and effort they spend on financial matters and elections administration.

- ⊙ The Department of Neighborhood Empowerment has focused significant staff time on administrative functions including bylaws reviews and neighborhood council elections. The primary responsibility for outreach has been left to individual neighborhood councils. While some neighborhood councils are skilled at outreach, others are less experienced and less successful. There is a critical responsibility for individual neighborhood councils in outreach, especially in terms of the particular outreach methods that are most viable in their individual area. The City, though, is more likely to have access to community organizations and institutions in the area, can conduct outreach as it engages in other functions and provides a degree of legitimacy to the neighborhood council system.

Finding #4: While a significant percentage of neighborhood councils have their own websites, NCRC staff research found that many do not, and those that are in existence are often not maintained with regularity. While these gaps are understandable given the limitations on volunteer time, this places a greater responsibility on the DONE website to be accessible and up-to-date.

Finding #5: In less affluent areas, with less traditionally participatory populations, NCRC staff has observed the value of a community organizing approach to outreach and participation. Community organizers think in terms of reducing the costs of participation for working people, and aim to pitch meeting topics and structures to maximize community interest.

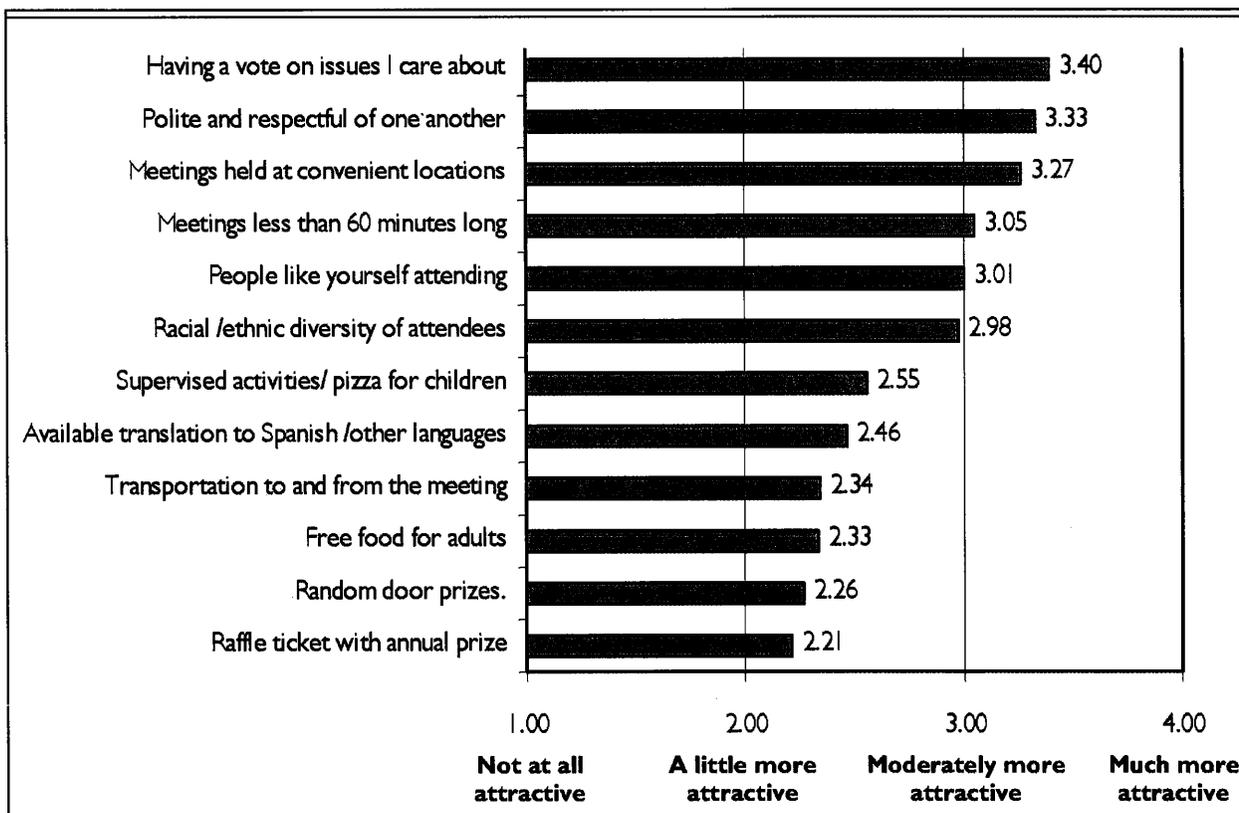
- ⊙ Both NCRC surveys and observations of neighborhood council meetings signal a low level of public interest in attending general meetings. This does not generally result from the failure of neighborhood councils to outreach to groups, but rather from the fact that many – especially individuals from working class populations – are unlikely to attend meetings without some perceived direct benefit. Participation increases when items of particular

concern to a broader population are considered (e.g., land use or public safety) or community events are held (e.g., concert series).

Finding #6: The NCRC’s citywide survey of residents revealed that there is a constituency for further expansion of the neighborhood council system. Informed that “Neighborhood councils provide advisory input to City Council about issues that affect your neighborhood,” then asked, “How likely is it that you would ever regularly attend monthly neighborhood council meetings?” 40.8% of the general public replied, “Somewhat likely,” and 21.3% “Very likely.” However, recruiting and maintaining these new participants might call for changes in the ways in which many neighborhood councils conduct business. Not surprisingly, respondents mentioned short meetings at convenient times, in a polite and congenial atmosphere, and a focus on such issues as crime, gangs, and community safety.

- ⊙ The Commission believes that further research on the potential “market” for neighborhood councils might lead to creative new ways to conduct neighborhood council business, including a greater focus on events rather than meetings, surveys of neighborhood interest in particular issues, and increased stakeholder involvement in committees and other activities. Respondents also mentioned that they were most likely to participate when they were contacted by a board member they know personally, or by face-to-face contact.
- ⊙ Disseminating information about NCs through local schools appears to be a useful means of informing the City’s Spanish-speaking population. The figure below illustrates in descending order of appeal the factors that would increase the chances that the public would attend a neighborhood council meeting. The top three

Fig. 4.4 Mean Rating of Factors that May Influence NC Meeting Attendance



factors are “Having a vote on the issues I care about,” “Meeting participants are polite and respectful of one another,” and “Meetings held at convenient locations.” Interestingly, the three “perks” (raffle tickets, prizes and free food for adults received) the lowest average ratings.

Neighborhood Council Elections and Board Structures

Finding #7: There is no requirement that neighborhood council board members be chosen through formal elections.

- ⊙ The Charter clearly allows for appointment of board members, but only 4.5% of all board members are chosen in this way.
- ⊙ Neighborhood council elections in other cities tend to be comparatively informal and require little or no involvement of city staff or volunteers outside of the neighborhood council’s own stakeholders.

Finding #8: Neighborhood council board elections have been underway since the formation of the first neighborhood councils.

- ⊙ Neighborhood councils have been able to organize hundreds of elections and have drawn tens of thousands of people to vote.
- ⊙ In 2002, the year of the first elections, 11,397 people voted in 28 elections, an average of 407 per election. As more elections were held, the total number of voters increased, but the average per election declined. In 2006, the downward trend was reversed and the average votes cast per election to 325.
- ⊙ Only five elections since 2002 have had turnouts larger than 5 percent of the population of the neighborhood council area; 90% had less than 2 percent.

Finding #9: The election process has been taxing for all participants.

- ⊙ Most neighborhood councils have held their elections annually with staggered seats to avoid full board turnover. Thus, in 2006 alone, there were 59 separate neighborhood council elections.
- ⊙ Conducting elections has required neighborhood councils to form committees, recruit volunteers, and

develop guidelines within their bylaws and in separate election procedures to be approved by DONE. If a council cannot meet these requirements each time, it can face a delay of its elections.

- ⊙ According to DONE, a significant percentage of its staff time is involved in certifying election procedures and advising neighborhood councils on elections. DONE formerly had an elections and policy team to assist in neighborhood council elections, but that unit was eliminated in a staff reorganization in 2006.
- ⊙ The scope, complexity, and importance of neighborhood council elections has led to the establishment of a system of Independent Election Administrators (IEAs) to serve as overseers of the election process and Final Decision Makers (FDMs) to adjudicate disputes over election outcomes and processes. It has been difficult to recruit and retain individuals to serve in these capacities.

Finding #10: Standardizing and simplifying the conduct of neighborhood council elections is not a simple task.

- ⊙ The Charter gives neighborhood councils the freedom to design the system for selection of its board members.
- ⊙ The rules for elections are not generally consistent, there is little means for sanctioning violations of the rules, and the procedures are not transparent on a citywide basis.
- ⊙ A major effort beginning in 2003, coordinated by the City Clerk, and involving DONE, the League of Women Voters, BONC, the City Attorney, and neighborhood council leaders led to the creation of a set of election procedures that were passed by the City Council in 2005. Implementation of these guidelines, however, has been somewhat inconsistent.
- ⊙ No document currently exists to list and categorize all the election procedures used by neighborhood councils. Thus, it is difficult to establish a template of best practices.

Finding #11: Different board structures are likely to lead to different results. There are several different models of board structure. Some are more likely than others to lead to “takeovers” of neighborhood councils by organized interests. The most vulnerable system is the at-large system in which all members are elected at the same time. This model makes it substantially easier for one group to vote a majority or all of the board members into office. In addition, neighborhood councils with very large boards

may suffer significant problems recruiting candidates. As a result, there may be serious quorum issues.

We analyzed the bylaws of 86 neighborhood councils to understand the composition of board seats. Shown below are examples of the kinds of boards we found, and their frequency. Neighborhood councils come in all sizes, with 15-member boards being most common. They range from 9- to 51-member boards. Board seats are allocated in different ways. Most board seats are elected (96%), some are appointed (4%). Some board members represent the stakeholders of a district within the boundaries of their neighborhood council; others represent all stakeholders; still others represent the interests of certain designated stakeholders within the neighborhood council. See Fig. 4.5 for detailed information regarding board structures.

Finding #12: Neither the Charter nor the initial draft of the Plan required term limits for NC board members. When the City Council adopted the final Plan and the Ordinance regarding neighborhood councils in 2000, the Council inserted a provision limiting Board member service to eight (8) consecutive years. After eight years, a stakeholder would be required to leave the board, but

could return after a period of non-service.

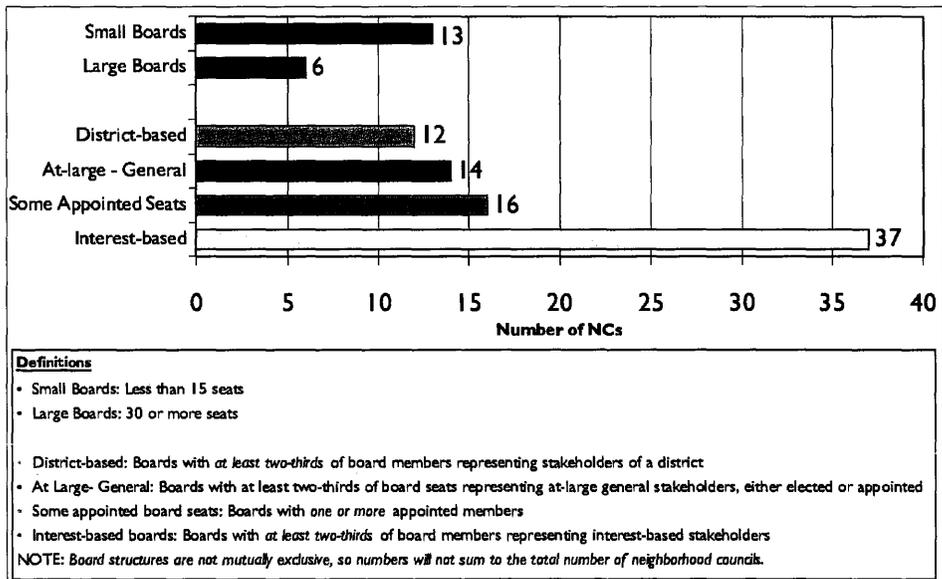
Term limits may be more valuable for elected representative bodies in which there are a large number of candidates available to contest any open seat. For neighborhood councils, this is unlikely to be consistently the case. There is the danger of having no candidates available to run for board seats in these volunteer, participatory organizations.

NCRC RECOMMENDATIONS

Recommendation #42:

- A) Plan to be amended to state that stakeholder status in neighborhood councils shall be open to those who live, work, or own property in the neighborhood and also to those who declare a stake in the neighborhood and affirm the factual basis for it.
- B) Neighborhood councils shall be empowered to allocate board seats, voting rights, and other procedures, consistent with the Charter, Plan, and Ordinance, and may allocate different voting roles to different categories of stakeholders.

Fig 4.5 Board Structures



- C) The City Attorney shall advise neighborhood councils on the allowable parameters of such structures and shall ensure that board structures do not limit broad participation.

Commentary on Stakeholder Definition:

The Commission adopted a broad stakeholder definition in order to emphasize the welcoming aspect of neighborhood councils. The Commissioners believe that neighborhood councils should be as inclusive as possible, and that a broad definition of stakeholder is the best way to achieve that goal. However, the commissioners also ensured that neighborhood councils could design voting rules and board structures to acknowledge different levels of stakeholder status, as long as every stakeholder has the opportunity to vote for at least one board seat.

The stakeholder definition has drawn intense reaction. In addition to strong opinions expressed at the public workshops, there has been a lot of letter writing, newsletter and newspaper opining, and emailing as people debate the virtues of various stakeholder models.

Some have favored the Commission's definition. Some have opposed it. Others have favored parts of the definition, but have opposed specific elements of it. Some have indicated that they felt that the stakeholder definition adopted by the NCRC was too broad, and wondered if it provided sufficient protection for the neighborhood councils from takeovers. The "self affirmation" element was challenged as lacking a mechanism for accountability. Also, some argued that the NCRC definition would make it difficult for neighborhood councils to operate effectively.

Even many of those who favored the broad definition of stakeholder felt that the NCRC definition needed more clarity about how to protect neighborhood council integrity.

In response to continuing feedback, the Commission took up the issue of stakeholder definition on no fewer than three separate occasions, reaching the clearest consensus with the proposed definition included above. The definition balances the ability of a stakeholder to declare his or her stake with the protection that the basis for this stake must be factual. It also emphasizes the ability of the neighborhood council to design election structures in a manner that can protect its integrity.

Whatever becomes the best definition of stakeholder, the Commission holds to two principles. One is that the definition of stakeholder should be uniform throughout the system. Allowing for 89 different definitions has consistently

confused and discouraged potential participants. Second, the stakeholder definition is the place that expresses whether the neighborhood council system is to be an open, welcoming door to participation. The Commission believes that the stakeholder concept should be about who is encouraged to walk through the door, not who should be excluded from participation.

Recommendation #43:

- A) Neighborhood councils shall continue to have authority, through their bylaws, to design the structures of their boards consistent with the Charter, ordinances, and policies adopted by BONC. Changes to board structures must be approved by BONC.
- B) DONE shall inform neighborhood councils about the findings of research on the advantages and disadvantages of different types of board structures. This shall be in a "best practices" format.
- C) DONE shall develop and publicize models of board structure that can be adopted wholesale by neighborhood councils.
- D) BONC shall adopt procedures to allow for appointments to, or removals from, a neighborhood council board and in other ways make exceptions to the bylaws where necessary to enable boards to achieve quorum and conduct business.

Recommendation #44: The neighborhood council election process shall be simplified and standardized, with common sense requirements that are easy to enforce and likely to promote the greatest participation.

Recommendation #45: The City Clerk shall organize and run neighborhood council elections. The City shall provide the additional City resources to accomplish this task.

Recommendation #46: The City Clerk shall explore devoting space in the voter pamphlet to encourage people to participate in their neighborhood council.

Recommendation #47: There shall be a package of common election rules that are adhered to by all neighborhood councils, built on the ordinance passed by the City Council in 2005.

Recommendation #48: The City shall share responsibility with neighborhood councils for organizing elections.

Recommendation #49: Neighborhood council elections shall occur on regional or citywide election dates, but not concurrent with City elections.

Recommendation #50: All election rules shall be finalized and in place at a set time before the election.

Recommendation #51: Responsibility for the City's portion of the outreach effort necessary to mobilize stakeholders to vote in neighborhood council elections shall be concentrated in DONE.

Recommendation #52: Neighborhood councils may choose to participate in the conduct of the election in collaboration with the City Clerk. If neighborhood councils do not wish to participate in the running of the election, they would not be required to establish an elections committee.

Recommendation #53: Elections shall be held on a regional or citywide basis, with individual neighborhood council elections grouped by region on the same day or within the same week. Each neighborhood council election would still be a stand-alone event based on its own bylaws. The City Clerk shall guide the 3-4 month election process from candidate verification through training sessions, candidate forums and debates, and community outreach up until election day.

Recommendation #54: The City shall provide assistance in outreach and voter mobilization. Volunteers may assist in the operation of the election.

Recommendation #55: Election challenges shall be resolved *via* the regional grievance process proposed by the NCRC.

- A) Decisions in the pre-election period made by election monitors may be appealed to a panel drawn from a pool of stakeholders as noted below.
- B) Poll workers, trained by and accountable to the City Clerk, will be the first line of monitoring of the election.
- C) Poll workers who witness a violation of election rules shall, consistent with City Clerk procedures, order the violator to cease and desist.
- D) If the violation continues, the poll worker shall, consistent with City Clerk procedures, call the election monitor team, which shall go to the polling place, receive the poll worker's report, and take

appropriate action. If a violator persists, the election team may call law enforcement.

- E) Votes shall be counted by City Clerk staff in a manner that is accessible and open while consistent with City Clerk election procedures.
- F) A post election challenge must be filed in writing, consistent with the citywide election procedures. It must specify the basis for the challenge and include documentation. The challenge will be processed according to the grievance procedure recommended by the NCRC.
- G) The panel may immediately dismiss the appeal or may consider it further. It may ask for written comments from those involved in the election, and then make a decision. The election monitor team must cooperate in this review. If the challenge is found to have no merit, it will be dismissed. If the challenge has merit, the panel shall have the power to impose sanctions. Contrary to the current practice, challenges to the factual accuracy of self-affirmed stakeholder status may be considered by the appeals panel.
- H) The dismissal of a challenge may be appealed to the Board of Neighborhood Commissioners, which will not be required to hear the appeal except under specified circumstances.
- I) Volunteers may assist in the operation of the election. Volunteers may not be candidates in the elections they are assisting.

Recommendation #56: The Human Relations Commission (HRC) shall no longer serve as Final Decision Maker regarding challenges to neighborhood council elections, except in a transitional and training role for a revised system. The HRC shall focus its efforts on assisting neighborhood councils in the areas of diversity and intergroup relations. DONE shall inform neighborhood councils of the resources of the HRC.

Recommendation #57: Term limits for neighborhood council board members should be eliminated.

Recommendation #58: The responsibility for outreach for the neighborhood council system shall be shared between the City government and the neighborhood councils.

- A) The City government shall research and apply methods of outreach on a regional and city-wide basis in order to encourage people to participate in

neighborhood councils. A “best practices” model shall draw on what has already been working well.

- B) The City shall provide direct outreach services to neighborhood councils, organized on a regional basis.
- C) When outreach services are made available to neighborhood councils, every effort shall be made to reduce bureaucratic red tape. A separate track shall be established for neighborhood council outreach services provided by the City, e.g., printing.
- D) While the City government ought to have broad responsibility for improved outreach and participation, neighborhood councils have a major responsibility to be inclusive and engaging. DONE shall assist neighborhood councils to help make sure that these goals are being actively pursued.

Recommendation #59: The number of activities of neighborhood councils that obstruct participation (e.g., budget work, Brown Act, elections administration, searching for meeting space, clerical support, meeting notification) shall be drastically reduced. With the help of DONE, neighborhood councils shall explore ways to conduct engaging, effective meetings.

Recommendation #60: Legal implications of “town hall” models of neighborhood council meetings shall be explored with the City Attorney.

Recommendation #61: DONE shall be reorganized to highlight the community organizing and technical assistance aspects of its staff, rather than elections administration. DONE staff shall help neighborhood councils to create lean, engaging agendas.

Recommendation #62: DONE shall help neighborhood councils to gather data regarding the neighborhood council area, including “asset mapping” of neighborhood organizations and other vital community assets. DONE shall reach out to neighborhood interests, especially if they are not reached by the neighborhood council.

Recommendation #63: DONE shall revamp its website, and improve its electronic communication, while also finding new ways to reach neighborhood councils that have much less electronic usage. DONE shall post neighborhood council meeting minutes and agendas,

regardless of whether the council has its own website. Neighborhood councils should submit on an annual basis, a list of names and contact information for their neighborhood council, which they would like added to the DONE database. Such list may include stakeholders such as alternates, committee chairs, committee members, and non-voting stakeholders. There should also be a subscribe/unsubscribe function.

Recommendation #64: DONE shall challenge and encourage neighborhood councils to be more inclusive and to become aware of ways in which participation by new people or groups is actively or passively discouraged.

Recommendation #65: Realistic standards for participation in neighborhood councils shall include the interests or groups that comprise the area represented by the neighborhood council to the greatest degree possible. Voter turnout and meeting attendance are desirable but are not the main indications of neighborhood council participation.

- A) Neighborhood councils shall attempt to reflect the diverse geographic area of the neighborhood council and the diversity of community interests, ethnicity, race, gender, age, class, religion, homeowner and renter status and sexual orientation.
- B) It is suggested that neighborhood councils create plans to guide the achievement of such diversity within their boards.

CITY SUPPORT to NCs



*“Just because we’re a large city
doesn’t mean we have to operate
that way when it comes to
individual relationships.”*

– NCRC Staff Report

Chapter Five: City Support to Neighborhood Councils

additional resources to conduct the sort of outreach campaigns proposed by the NCRC, to assist neighborhood councils with meeting rooms and clerical tasks, and to substantially upgrade its technology (including its website).

City Support – Background

Shortly after the adoption of the 1999 Charter, the City appropriated over \$2 million to start the new Department of Neighborhood Empowerment in fiscal year 2000-01. Today, the City annually appropriates over \$8 million, including approximately \$4 million to fund DONE and \$4 million (\$50,000 each) to support the nearly 90 individual neighborhood councils.

Neighborhood councils have a variety of needs ranging from identifying and retaining meeting space, developing and posting agendas, documenting their business activities, conducting neighborhood council board elections, and other administrative tasks. Communications is also a large responsibility of the neighborhood council. To carry out their role, they need to reach out to their various stakeholder groups, and they need to stay in touch with the business of the City.

Not all neighborhood councils need the same level of assistance from DONE, and some will not want assistance – even if they have problems. DONE could use a wide array of techniques to assist neighborhood councils in trouble, from the mildest suggestion to the strongest intervention. NCRC recommendations call for DONE to provide technical assistance to neighborhood councils, especially in the area of outreach. DONE may need

Fiscal Support

Finding #1: Since 2002, the City has annually appropriated \$50,000 to each Neighborhood Council. The funds have been used for internal neighborhood council needs, as well as outreach, community improvements, and other purposes.

- DONE provides a list of approved and unapproved expenditures.
- Neighborhood Councils can accumulate an unexpended balance of no more than \$150,000. Current policy calls for "sweeping" any funds that have been dormant for more than three years and total more than \$100,000 back to the City's general fund. The Controller found that by the end of fiscal year 2005-06 the City had appropriated \$10.9 million to the neighborhood council program, but more than 50% had not been spent.
- Neighborhood councils have spent their funds on such projects as life-saving fire protection blankets for the Los Angeles Police Department; weekly graffiti clean-up; surveys; reports; outreach pancake breakfasts; sponsorship in a community discussion involving day laborers and members of the community; a community-wide forum for election candidates and

Fig. 5.1 Spending Patterns of Neighborhood Council Funds 2003-Present

SPENDING BY CATEGORY						
Category	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Administrative	\$928,581	\$1,600,456	\$1,679,897	\$3,792,027	\$7,900,861	\$7,289,594
Outreach	81	84	74	86	88	86
Community Development	12%	19%	21%	48%	100%	-

SPENDING BY REGION						
Region	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Central	\$ 120,210	\$ 300,813	\$ 359,529	\$ 497,951	\$ 1,268,503	\$ 1,006,457
East	\$ 178,645	\$ 203,167	\$ 196,977	\$ 567,715	\$ 1,146,504	\$ 1,278,496
North	\$ 75,174	\$ 153,535	\$ 218,689	\$ 518,511	\$ 965,909	\$ 484,091
South	\$ 151,790	\$ 103,082	\$ 234,666	\$ 512,886	\$ 1,002,424	\$ 1,022,676
West	\$ 147,260	\$ 194,319	\$ 163,697	\$ 521,723	\$ 1,126,899	\$ 1,476,055
Other	\$ 169,865	\$ 419,562	\$ 345,513	\$ 755,798	\$ 1,691,829	\$ 1,258,172
Total	\$ 85,639	\$ 125,889	\$ 180,825	\$ 326,442	\$ 698,795	\$ 763,705
Grand Total	\$ 710,579	\$ 1,600,456	\$ 1,679,897	\$ 3,792,027	\$ 7,900,861	\$ 7,289,594

Source: NCRC Staff Document

community organizations; an emergency preparedness program with the Los Angeles Fire Department; and a “Splash Bash” that brought together more than a thousand new stakeholders.

Fiscal Administration

Finding #2: The administration of the fiscal program (e.g., answering questions from neighborhood councils, tracking expenditures, ensuring that expenditures are within budget and within Controller and City guidelines, and preparing summary expenditure reports) has occupied a significant amount of DONE staff time. The funding program also requires each neighborhood council to have a treasurer, and the City and the Controller impose significant financial reporting requirements on each neighborhood council. The current plan is to improve the training of treasurers.

- ⊙ In November 2006, City Controller Laura Chick released a performance and management audit of DONE. The audit highlighted a number of problems with the fiscal management of the program, such as missing receipts and other documents, inconsistent application of funding rules by DONE, and the limited effectiveness of neighborhood council budgets that must be submitted to DONE before expenditures can be approved. Many of these problems were subsequently addressed by DONE management.
- ⊙ The necessity for DONE to monitor the financial transactions of individual neighborhood councils creates mutual frustration, including missed deadlines, absent or incomplete paperwork, and lots of correspondence back and forth. It is difficult to expect all 89 neighborhood councils to recruit highly effective treasurers, especially since many treasurers are elected. Calls for treasurer training are added to the array of other training programs recommended for neighborhood councils, and turnover of treasurers complicates the situation. There is no clear plan for what to do with incompetent or unresponsive treasurers. Some neighborhood council bylaws contain detailed language about financial reporting, but others do not.

■ NCRC RECOMMENDATIONS

Recommendation #66: Each neighborhood council should continue to receive equal, annual funding.

Recommendation #67: Funds unspent and unencumbered at the end of 3 years shall revert to a fund administered by DONE to support a neighborhood council program for outreach, education and communication for which neighborhood councils may apply based on demonstrated need.

User Friendly Fiscal Systems

Recommendation #68: Support from DONE in the funding program for individual neighborhood councils shall be streamlined.

- A) DONE and ITA should be directed to create an electronic system for fiscal management for neighborhood councils, specifically creating financial accountability forms and all other fiscal approval procedures that can be done and approved online.
- B) DONE should continue to implement the City Council’s policies on funding neighborhood councils. DONE shall continue to inform neighborhood councils of guidelines for the use of funds, and to inform neighborhood councils about the avoidance of such conflicts of interest as self-dealing by Board members.

Recommendation #69: DONE shall prepare a menu of frequently needed clerical, office, and other administrative tasks and identify vendors who can provide them.

- A) Neighborhood councils shall be offered the opportunity to purchase a “package” of clerical, administrative, and related services through the City, using their City funds.
- B) DONE shall also assist neighborhood councils in pooling their resources to locate providers of clerical, administrative, and related services.

Non-Profit Question

Recommendation #70: The City Attorney and DONE shall work together to develop guidelines outlining the benefits, liabilities, and methods for creating freestanding non-profit entities.

Other Support

Recommendation #71: The City Council should also explore additional funds that neighborhood councils with a large resident base can apply for, which will supplement the operation of their neighborhood council.

Recommendation #72: The City shall provide translation services to neighborhood councils at no cost to individual neighborhood councils. The cost should be a collective cost of the neighborhood council system. DONE shall provide a cost estimate of this service. DONE shall establish guidelines for the provision of translation services.

Measuring Future Progress

Recommendation #73: The City shall, within seven years, appoint a commission to examine the progress of the neighborhood council system in light of the recommendations of the NCRC.

Chapter Six: The Future of the Neighborhood Council System and Eight Culture Changes That Could Make a Difference

This report contains a large number of specific recommendations that the Commission believes could refocus and redirect the neighborhood council system toward a promising future. Underlying these detailed recommendations, though, is a set of culture changes on the part of neighborhood councils, the City government and other groups that can greatly increase the chances of long-term success.

Because the system grew without an overall guiding vision or central planning, development has been localized and sporadic, thus leading both to innovative adaptations and to habits and patterns that have hindered progress.

Yet there is a future that can be envisioned for the neighborhood council system that emerges from the NCRC citywide survey of residents. A surprising number of Los Angeles residents have heard of the neighborhood council system (47.3% of sample households).

The survey found that: 1) there is a strong base of recognition and even participation among City residents in the neighborhood council system that provides a promising foundation both for current work and for future expansion, 2) survey respondents throughout the city are willing to present concrete suggestions for what would make participation in neighborhood councils more attractive 3) these suggestions may allow the system to expand its diversity among a range of demographic groups that have been generally less represented than others but 4) language represents a significant barrier that organizers will need to treat with great attention in the coming years to reach the full potential of the system.

When asked what would make going to neighborhood council meetings most attractive, the top three factors in the total sample were "Having a vote on the issues I care about," "Meeting participants are polite and respectful of one another," and "Meetings held at convenient locations." However, among Spanish-speakers, having access to translation was at the top of the list. For all groups, having people "like yourself" present was an important factor. The NCRC census of neighborhood council boards found a relatively high degree of homogeneity among boards.

Looking for ways to increase diversity on boards will have a payoff in participation.

13.3% of Los Angeles heads of households or their spouses or domestic partners have attended at least one neighborhood council or neighborhood council committee meeting, and 34.2% had heard of neighborhood councils before being contacted to participate in the NCRC survey. Combined, this suggests that 47.5% of English and Spanish-speaking heads of households or their spouses or domestic partners in Los Angeles are at least aware of the neighborhood council system.

This figure falls between the 58% reported in 2007 by the Leavey Center for the Study of Los Angeles and the 31% reported in 2003 by the Public Policy Institute of California.

Consistent with the findings of previous research, awareness of neighborhood councils is significantly associated in this sample with racial/ ethnic and language groups. The proportion "aware" of NCs is 55.8% of English-speaking Non-Latinos, 51.7% of English-speaking Latinos, and just 22.7% among Spanish-speaking Latinos.

The main obstacles to participation identified by the respondents were lack of awareness about the system, time constraints and other priorities, and apathy. Conflict with work commitments was significantly higher among Spanish-speakers than other respondents.

The topics that respondents would like to see taken up at neighborhood council meetings were, in order: crime, roads and streets, gangs, and safe places for children. Latinos in general were more likely to list "schools" as a key topic than non-Latinos. The list is consistent with USC research suggesting that there is sometimes a mismatch between issues taken up by neighborhood councils and issues that are of wider concern to the general public. In their two surveys of board members, they found that board members cited land use, public safety, and transportation as their main interests. In contrast, PPIC surveys found that the issues of most concern to residents

of Los Angeles were public safety, education, and the economy (*Toward Community Engagement in City Governance: Evaluating Neighborhood Council Reform in Los Angeles*, Civic Engagement Initiative, USC, 2007).

Culture Change #1: A Stakeholder-Centered System More than a Board-Centered System

The Charter did not clarify the definition of a neighborhood council at the time the system was established. Is the neighborhood council defined as the stakeholders who comprise the wide array of interests in the neighborhood? Or is the council the board that is selected (whether by election or by appointment) to formally act for the neighborhood?

In a representative system of government, the people's main political role is to vote for representatives who then deliberate on governmental matters. However, participatory democracy is built on the idea that voting for candidates is too narrow a role for the people, and that the people should have the opportunity to weigh in more deeply and more fully. Neighborhood councils must therefore balance the representative (board-centered) model and the participatory (stakeholder-centered) one.

The NCRC proposes that the neighborhood council system should be encouraged to be more stakeholder-centered than it has been thus far. In this model of participation, the purpose of the board is to act as stewards for the stakeholders of the community. Stewardship would ensure that the widest interests of the neighborhood are represented in the deliberations of the body, and that these voices are communicated to City Hall. The real power of a neighborhood council derives from the broadness of its stakeholder base, not from the individual voices of the board.

Culture Change #2: Elections as Mobilizing Tools, Not as Ways to Win Power

In a board-centered neighborhood system, the act of choosing board members becomes the focus of significant energy and, often, strife. Not surprisingly, some neighborhood council elections have become vehicles for factions and interests to compete for control of the neighborhood council boards, and therefore, the council itself. After all, if the board is the neighborhood council, then that battle may seem worth fighting.

When used to assess the full range of interests of the diverse population of a neighborhood and to select its representatives, elections are an imperfect tool. Some are more likely to vote than others. Organized interests may excel at mobilizing supporters, but not others.

However, when viewed as a vehicle to reach out to the community and increase involvement, an election system can be engaging and useful. With all their imperfections, elections can provide a way to increase stakeholder interest and to draw new people into participation.

The Commission's recommendations on elections are meant to make the election process more normal and predictable, to develop broader public participation rather than getting consumed with disputes over election conduct. For this reason, the Commission recommends that the City Clerk run neighborhood council elections. Furthermore, election grievances should be handled in a quick and simple manner with a central role for "peers" from within the neighborhood council system.

These changes will make elections more accessible and friendly to stakeholders and could serve as an initial "point of sale" for the neighborhood council system to a broader cross-section of the community. Normalized, predictable elections are also consistent with some of the key items mentioned by potential stakeholders in the public survey, in that they would present the neighborhood council system as expedient and friendly, rather than time-consuming and contentious.

Culture Change #3: A Time for Tools and a Time for Rules

The City government is not designed to deal with a system of neighborhood democracy. City government is by its nature hierarchical, with lines of authority and systems of accountability. Experience tells us that it operates best that way. Yet the Charter established the neighborhood council system to be "as independent as possible."

In the early days of the neighborhood council system, the City treated neighborhood councils as if they were City commissions. But the comparison has proven to be inaccurate, and neighborhood councils have found themselves tied in knots by rules without the staff resources that a City commission can call upon. For the founders of the system, the frustrations were palpable.

As the Commission carefully weighed proposals to govern the neighborhood council system, we sought to balance the need for regulation with the reality that neighborhood councils are not traditional City entities.

The Commission examined all sorts of proposed tools and rules to govern the neighborhood council system. We tried to separate out the kinds of regularity that makes participation better (e.g., city clerk to run neighborhood council elections) from the tools that allow neighborhood councils to chart their own destinies (e.g., how to design board structures). Where direct City funding was involved in the allocation of funds to each neighborhood council, the Commission voted to centralize financial accountability. Where the Brown Act created obstacles to participation, the Commission proposed a sunshine law for neighborhood councils that would enhance flexibility while maintaining transparency.

Culture Change #4: A Win-Win between Neighborhood Councils and City Hall

The City has devoted considerable resources, in budget, personnel and time to the development and operation of the neighborhood council system. That commitment can be measured in funding for DONE and BONC, the annual allocation to neighborhood councils, City Attorney, City Clerk, and Human Relations Commission staff, and the time and effort of Councilmembers and their deputies who attend neighborhood council meetings.

To take it to the next level, neighborhood councils and City officials can continue to form joint working groups to implement new programs and explore new methods of organization. By working together to solve problems in the system, the two sides can begin to move beyond some of the conflicts caused by their inevitable differences.

Culture Change #5: Neighborhood Councils and Community Organizations Giving Each Other a Second Look and a Second Chance

The early days of the neighborhood council system were a real struggle. While some councils got themselves up and running smoothly, others had difficulty understanding their role within their community. Some local community, business, and non-profit organizations had negative first experiences with neighborhood councils. Some, but not all, are still having those experiences. The memories of

these battles have mixed with current experiences to make it more difficult to engage in the needed effort of expanding the organizational base of neighborhood councils.

Visits by NCRC staff to neighborhood council meetings and meetings of neighborhood council land use committees found more to be well-run and effective than the reputation of neighborhood councils suggests. Some, however, were quite poor.

It is time for neighborhood councils and community organizations that have a key role in the neighborhoods to give each other a second chance. Whether through new board structures that enhance the role of organizations, or by careful attention to how meetings are run, groups that once felt excluded may come to feel included. At the same time, organizations should seek to develop a cooperative relationship with neighborhood councils.

The Charter indicates that the neighborhood councils should speak for the widest range of “interests” in the community, not just the individuals. Any neighborhood has “assets” of organizations and interests, and anyone who wants to mobilize the neighborhood would go to them first.

The Commission proposes greater investment in “asset mapping” for neighborhood councils so that they can learn to tap into the rich organizational treasures that lie within their boundaries. Neighborhood councils will have to reach out proactively to other organizations, and make sure these groups know they are welcome. However, if these organizations automatically dismiss such overtures, they will be missing an important opportunity.

Culture Change #6: From Decision to Deliberation

A goal of neighborhood democracy is to widen the array of ways in which people can participate in decision making and provide the City with broader, more reliable range of information to make the best decisions. Neighborhood councils have many ways to widen the base of the opinions they will eventually present to City officials. They can conduct low-cost surveys, participate in regional and citywide neighborhood council organizations, or organize public hearings and interactive public workshops like the ones the Commission utilized.

The boards can also convene Town Hall meetings to encourage stakeholders to speak out, and perhaps to hear comments from other stakeholders that may change minds. This model is only effective, however, in a system that is not focused exclusively on outcomes (i.e., winning a vote), but on the exchange of ideas, and attempting to find areas of common ground. New modes of public participation are being explored throughout the nation, and a neighborhood council system can add great value to the City's deliberations by taking the lead in using these techniques.

Culture Change #7: Making Meetings Meaningful

Meetings are traditionally the core activity of most neighborhood councils, but meetings face many barriers to broad and meaningful participation. Some neighborhood councils have encountered severe quorum problems, and have been unable to meet. Others have cancelled meetings due to problems getting facilities. Some neighborhood councils have long meetings lasting many hours. While most neighborhood council meetings are polite, there have been meetings punctuated with severe conflict.

The NCRC citywide survey found that certain things about meetings would matter to potential participants. The meetings should be short, and held at convenient hours. They should concern issues that matter to participants. They should be polite meetings, without personal conflicts. The NCRC survey of former and current board members found that events drew many more stakeholders than meetings. Events also create opportunities for active collaboration whereas meetings create more passive interaction.

Perhaps the best way to think about a meeting is to ask what a first time visitor is thinking. Will the meeting incline the visitor to come back again? How can meetings be both engaging and effective?

Culture Change #8: Embracing Diversity as a Goal

Neighborhood council activists rightly complain that the issue of diversity is sometimes used to bash the system rather than as a fair criticism. The neighborhood council system, made up of volunteers supported by overworked City staff, cannot by itself achieve what the political system

as whole has been unable to accomplish. Thus, active participants in the neighborhood council system often bristle when diversity is used to denigrate the value of their own involvement.

But the neighborhood council system does have an extra burden in this area. The rationale for the neighborhood council system is that it brings more voices to the table than the system of representative government and therefore brings added value to the City's decision-making process. Therefore, neighborhood councils cannot escape the expectation that they should more effectively draw in renters, working class people, young people, people of color, and others who have less-than-hoped-for representation on neighborhood council boards.

Also, it must be recognized that for some groups to participate, the NC itself must serve as a "safe space." For groups with traditionally low levels of civic participation this often means that the NC needs to "look like them" or be relatively homogeneous. Thus, the homogeneity of an individual NC that is comprised largely of a less participatory, underrepresented group should not be viewed in the same way as a homogeneous NC that is dominated by more participatory, overrepresented groups.

The NCRC sees diversity as a way to make neighborhood councils more effective, not as an excuse to diminish the achievements of the system. To accomplish this goal, existing board members of neighborhood councils will need to embrace new ways of reaching out to people, beginning with a clear statement that all are welcome and encouraged to participate. Then, surveys and discussions with a broad range of community organizations that represent these groups can help guide neighborhood councils to design procedures, meetings, and events that will reach out to a wider demographic base.

This is the basis for the Commission's recommendation that the stakeholder definition be broadened, while maintaining the freedom of neighborhood councils to design their own board structures and voting rules.

It also is the basis of the NCRC recommendation that neighborhood councils shall attempt to reflect the diverse geographic area of the neighborhood council and the diversity of community interests, ethnicity, race, gender, age, class, religion, homeowner and renter status and sexual orientation and the suggestion that that neighborhood councils create plans to guide the achievement of such diversity within their Boards.

NEIGHBORHOOD COUNCIL SUNSHINE ORDINANCE (DRAFT)

Section 1: Purpose

The system of neighborhood councils exists to promote stakeholder involvement and participation in City governance, decision-making and problem-solving processes that affect their neighborhoods.

Because neighborhood councils serve as Charter-recognized voices for their communities, neighborhood councils must operate as openly and transparently as possible, and should maximize opportunities for stakeholder participation in their own decision-making and problem-solving processes.

However, because neighborhood councils have an advisory role and are volunteer-based, neighborhood councils should not be subject to unnecessary restrictions that hinder, rather than enhance, the ability of neighborhood councils to participate in City governance, decision-making and problem-solving processes.

This ordinance balances the public interest in openness, transparency and public participation with the equally important public interest in having neighborhood councils' that are effective voices for their community.

Section 2: Definitions

For purposes of this ordinance:

- (a) "Neighborhood council" or "council" is defined to include a certified neighborhood council formed pursuant to Article IX of the Los Angeles City Charter, the board of directors of a certified neighborhood council, any of a neighborhood councils' standing committees which have a continuing subject matter jurisdiction, or any member of a neighborhood council's standing committees.
- (b) "Meeting" is defined as any congregation of a majority of the members of a neighborhood council board or committee at the same time and place to make a collective decision, or to adopt or take any formal position, decision or recommendation on any item within the subject

matter jurisdiction of the neighborhood council board or committee.

- (c) "Records" includes any writing containing information relating to the conduct of the neighborhood council's business prepared, owned, used, or retained by any neighborhood council, regardless of physical form or characteristics.
- (d) "Writing" means any handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.
- (e) "Department" means the Department of Neighborhood Empowerment.
- (f) "Board" means the Board of Neighborhood Commissioners.

Section 3: Public Meetings

- (a) Any formal position, decision or recommendation of a neighborhood council must be made, taken or adopted at a meeting.
- (b) Members of neighborhood councils may exchange information, ideas and positions with each other on matters within the subject matter jurisdiction of the neighborhood council. However, such exchanges shall not be used to develop a collective concurrence on any such matter other than at a meeting. To the greatest extent feasible, members of neighborhood councils should exchange information using methods, such as Internet message boards or blogs, that make such exchanges available to the public. The Board of Neighborhood Commissioners shall promulgate regulations to give effect to this subsection.
- (c) Any meeting of a neighborhood council shall be subject to the following requirements:
 - (1) The meeting shall be open to the public;
 - (2) The meeting shall be held within the

boundaries of the neighborhood council, except that:

- (a) a neighborhood council may meet in any facility owned or operated by the City of Los Angeles that is within three (3) miles of the neighborhood council boundaries;
 - (b) if a neighborhood council does not have access to a meeting facility within its boundaries, it may meet in a meeting facility within three (3) miles of the neighborhood council's boundaries;
 - (c) a neighborhood council may meet in office space it maintains that is within 3 miles of its boundaries; and
 - (d) in the case of a joint meeting of more than one neighborhood council, the meeting shall be held at a location where it would be permissible for one of the participating neighborhood councils to hold a meeting.
- (3) At least 72 hours before the time set for the meeting:
- (a) Notice of the meeting shall be posted at a regular, fixed location, appropriate and accessible to the public within the boundaries of the neighborhood council;
 - (b) Notice of the meeting shall be made available on the neighborhood council's Internet site, if any; and
 - (c) Notice of the meeting shall be distributed electronically by means of the Early Notification System to persons who have requested notification.
- (4) The notice shall:
- (a) specify the date, time, and location of the meeting;
 - (b) include the name, address, and telephone number of any person who can provide further information prior to the meeting;
 - (c) include the address of the Internet site where notices and other information

required by this section are available;

- (d) include an agenda containing a brief description of the items of business to be discussed or acted upon. A brief general description of an item generally need not exceed 20 words.
 - (e) be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.
- (5) Neighborhood councils should maximize opportunities for stakeholder participation in meetings. At a minimum:
- (a) During the meeting, members of the public shall be given an opportunity to directly address the neighborhood council on any agenda or non-agenda item within the subject matter jurisdiction of the council.
 - (b) On agenda items, members of the public shall be given an opportunity to directly address the neighborhood council before or during the council's consideration of each agenda item.
 - (c) Neighborhood councils may adopt reasonable policies to ensure that the intent of subdivisions (a) and (b) are carried out, including policies limiting the total amount of time allocated to public testimony on particular issues and for each individual speaker.
 - (d) No person shall be required, as a condition to attendance at, participation

- in, or speaking at a meeting of a neighborhood council, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.
- (e) If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.
- (6) The council may not take any action on any item of business unless that item appeared on the posted agenda or unless the council members present, by two-thirds vote, make specific findings stating why there is a need to take immediate action and that the need for action came to the attention of the council subsequent to the posting of the agenda.
- (7) Questions or brief statements made at a meeting by members of the council or public that can be resolved solely by the provision of information need not be described on an agenda as items of business, and may be addressed by the neighborhood council at that meeting.
- (d) All meetings of a neighborhood council that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.
- (e) Records of Meetings:
- (1) Agendas of public meetings and other writings, when distributed to all, or a majority of all, of the members of a neighborhood council by any person in connection with a matter subject to discussion or consideration at a public meeting of the body shall be made available without undue delay to any member of the public who requests the materials.
- (2) Writings that must be made available to the public under subdivision (1) and that are distributed to all, or a majority of all, of the members of a neighborhood council prior to or during a meeting, pertaining to any agenda item, shall be made available for public inspection at the meeting if prepared by the neighborhood council, or after the meeting if prepared by some other person.
- (3) At or within a reasonable time after a meeting, the neighborhood council shall prepare minutes that clearly indicate what action was taken with respect to each agenda item.
- (f) Any person attending an open and public meeting of the neighborhood council shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the neighborhood council that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.
- (g) No neighborhood council shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.
- (h) Neighborhood councils may impose requirements on themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this section.
- (i) Enforcement of Requirements:
- (1) If a council violates the procedural meeting requirements of this ordinance, and upon demand of any person, the council shall reconsider the item at its next meeting, after allowing for public input on the item.
- (2) If a neighborhood council does not comply with a demand made pursuant to

paragraph (1), within 30 days following the failure to comply, any person may file a written complaint with the Department of Neighborhood Empowerment, stating forth the facts supporting the complaint.

- (3) The Department shall have 30 days to investigate the complaint and, if it is determined that the complaint is valid, to direct the neighborhood council to reconsider the item at its next meeting, after allowing for public input on the item. The Department shall promptly notify the complainant, in writing, of its decision regarding the complaint.
- (4) Any person or council who disagrees with the result of the Department's investigation shall have 30 days from the date of the Department's decision to file a written appeal to the Board of Neighborhood Commissioners, on a form to be provided by the Board.
- (5) The Board shall have 60 days to investigate and make a decision regarding the appeal.
- (6) Decisions of the Board shall be final, except as provided under Charter section 245.

Section 4: Neighborhood Council Records

- (a) Each neighborhood council shall maintain records in compliance with a records retention schedule adopted by the Board of Neighborhood Commissioners.
- (b) Every person has a right to inspect or obtain copies of records maintained by a neighborhood council. However, there is no right to inspect or obtain copies of records that would be exempt from release under the Public Records Act, California Government Code sections 6250 et seq.
- (c) Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(d) When a person makes a written request to inspect a record or to obtain a copy of a record to a neighborhood council that reasonably describes an identifiable record or records, the neighborhood council shall make the records available to that person within 30 days of the request, except with respect to records exempt from disclosure by express provisions of law, upon payment of fees covering direct costs of duplication. Upon request, an exact copy shall be provided unless impracticable to do so.

(e) When a member of the public makes a written request to inspect a record or obtain a copy of a record, the neighborhood council shall assist the requester in making a focused and effective request that reasonably describes an identifiable record or records, by doing the following, to the extent reasonable under the circumstances:

- (1) Assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- (2) Describing the information technology and physical location in which the records exist.
- (3) Providing suggestions for overcoming any practical basis for denying access to the records or information sought.

(f) When a person makes a written request to inspect a record or obtain a copy of a record, the neighborhood council shall, within 21 calendar days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable records in the possession of the neighborhood council, and shall promptly notify the person making the request of the determination and the reasons therefor.

(g) Upon a determination of good cause, the General Manager of the Department of Neighborhood Empowerment may extend the time periods set forth in subsections (d) and (f). The neighborhood council shall give written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched.

- (h) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records.
- (i) Any inspection of an audio or video recording shall be provided without charge on an audio or video player made available by the neighborhood council.
- (j) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable record, that is subject to disclosure pursuant to this ordinance, which is in an electronic format shall make that information available in an electronic format when requested by any person.
- (1) Nothing in this section shall be construed to require a neighborhood council to reconstruct a record in an electronic format if the council no longer has the record available in an electronic format.
- (2) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.
- (k) The General Manager of the Department of Neighborhood Empowerment may authorize a neighborhood council to withhold a record if he or she finds that, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. Among the factors the Department may consider are:
- (1) whether the nature or scope of a request for documents makes compliance unduly burdensome for the neighborhood council.
- (2) whether the request is duplicative or harassing; and
- (3) whether the request invades legitimate privacy interests of a person participating in a neighborhood council with respect to materials in that person's personal possession, including material stored on a personal computer or a personal e-mail account.
- (l) If a neighborhood council withholds any record or portion thereof requested by any person, or determines that it does not possess any of the requested documents, the neighborhood council shall notify the requester in writing, setting forth the reasons for not producing the document for inspection or copying.
- (m) Except as provided in section (k), this ordinance does not allow limitations on access to a record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.
- (n) Enforcement of Requirements:
- (1) If a neighborhood council fails to comply with the time periods set forth in this section, the person who requested that record may submit a written complaint to the Department of Neighborhood Empowerment, on forms to be provided by the Department, within 30 calendar days after the time period has elapsed.
- (2) Enforcement of violations of this act should be consistent with the grievance procedure established by the NCRC.
- (o) Some neighborhood council board members might represent, be an officer of, or belong to other organizations, including but not limited to homeowners or residents associations; public or private schools; chambers of commerce; or religious, cultural or social institutions. Nothing in this ordinance gives any person any right of access to records of any organization other than the neighborhood council itself.

At a minimum, a new Sunshine Law in regard to neighborhood councils should not prevent neighborhood councils from lobbying a majority of members of the city council on an issue of concern to the neighborhood council.

FRANK T. MARTINEZ
CITY CLERK

KAREN E. KALFAYAN
EXECUTIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

ITEM NO. 1

OFFICE OF THE
CITY CLERK

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April 26, 2007

Neighborhood Council Review Commission
C/o Patrice Lattimore, Legislative Assistant
Room 395, City Hall
200 N. Spring Street
Los Angeles, CA 90012

CITY CLERK CONDUCT OF NEIGHBORHOOD COUNCIL ELECTIONS

On April 17, 2007, the Neighborhood Council Review Commission (NCRC) voted to recommend that the Los Angeles City Clerk assume responsibility for the conduct of Neighborhood Council (NC) board member elections. As part of that action, the NCRC requested that the City Clerk submit a report describing how the City Clerk's office would approach the administration of NC board member elections including the issue of standardizing certain aspects of the NC board member elections process. This report represents a preliminary analysis of the approach the City Clerk's office would take in administering NC board member elections. We would anticipate that the actual implementation would require additional fine-tuning of various aspects of the program.

As stated by the City Clerk during the April 17, 2007 NCRC meeting, the City Clerk has not sought out this assignment nor does the City Clerk recommend that the assignment of responsibility for NC board member elections be given to the City Clerk. Rather, the City Clerk is willing to take on this responsibility if, and only if, certain pre-conditions are met as follows:

- The NC board member elections are conducted every other year (in the off year from the City of Los Angeles municipal elections).
- The City Clerk is provided staff resources to perform the function.

If these pre-conditions are met, we believe that a "win-win" situation can be created whereby: 1) the NC board member elections are provided with a full range of professional election administration services utilizing the support of the City Clerk's entire Election Division; and 2) the City Clerk gains additional, and sorely needed, resources for the conduct of the City's regular municipal elections. To ensure that these pre-conditions are met (if the NCRC ultimately includes the assignment of responsibility for NC board member elections to the City Clerk in its final recommendations to the City



Council) we strongly urge the NCRC to include in the actual "recommendation language" these specific pre-conditions and a statement that without the approval of the pre-conditions the NCRC withdraws the recommendation.

As discussed in the April 17, 2007 NCRC meeting, the administration of NC board member elections will reflect other decisions made in regards to the overall System of Neighborhood Councils (e.g. definition of stakeholder, the amount of standardization that can be imposed under Charter Section 904(f), etc.). Accordingly, the following information represents our preliminary recommendations on the administration of NC board member elections with the understanding that these recommendations do not include an exhaustive list and they will have to be adjusted based on the final NCRC recommendations and issues that arise during the implementation/transition phase.

Customization Versus Standardization of NC Board Member Elections

In general, the City Clerk will seek to standardize as many aspects of the NC board member elections as possible while still respecting the basic autonomy of the Neighborhood Councils and their inherent right to structure their Board to best meet the needs of the particular Neighborhood Council. Standardization has several inherent advantages in terms of cost efficiency, facilitating the administration of the elections, and transparency of the overall election process.

A. Customization

We would recommend that, at a minimum, the following aspects of the NC board member elections remain customized based on the needs and decisions of each Neighborhood Council.

- The number and type of seats/offices on the Board.
- Whether the officers of the Board are elected directly or by the entire Board once the members are seated after the election.
- Whether elections are held at large, by district or by stakeholder category or some combination of these methods.
- What stakeholder verification method should be utilized for the election (although the City Clerk strongly recommends self-affirmation as the preferred method).
- Voter outreach will have to be customized to meet the unique demographics of each Neighborhood Council but we believe we can take advantage of regional elections and the City's overall public relations and outreach capability (see below).
- The City Clerk election administrators would offer the full range of voting options for all NC board member elections including at polls, vote by mail, or town hall

format. The City Clerk election administrators should remain open to innovative election processes (e.g. on-line voting) that could be implemented on a pilot project basis.

B. Standardization

We would recommend that the following aspects of the NC board member elections be standardized or reviewed for possible standardization.

- All NC board member elections should be held during an even numbered year opposite from the City's regular municipal elections. The City Clerk recommends conducting the elections for all the Neighborhood Councils in one planning region on the same day(s) and that the elections for the seven regions be spread out over a two to three month period in the spring of the even numbered years.
- Candidate filing times and processes, including candidates' stakeholder verification and write-in candidate procedures, should be standardized.
- Voter registration forms/processes should be reviewed for possible standardization.
- The vote by mail process should be standardized and handled directly by the City Clerk's election administrators.
- Every opportunity to standardize the various administrative forms and signs that support the election operation should be analyzed and implemented where possible (e.g. ballots, voter sign in rosters, polling place signage, vote counting forms, vote by mail packages, election challenge forms, etc.). This will reduce costs in terms of production and translation and will allow for re-use in subsequent elections.
- Provisional Voting process should be standardized.
- The time frame and process for certifying each election should be standardized.
- The election challenge process should be standardized (perhaps by incorporating it into the overall grievance process). The City Clerk election administrators would act as a resource to the election challenge process by making available all relevant information and documents and providing testimony as necessary to the election challenge review bodies.

Resource Requirements

The City Clerk recommends that a budget for NC board member elections be established within the City Clerk's office so that the entire election expense can be handled by the City as opposed to the individual Neighborhood Councils (some of whom have differing

needs in the areas of translation and outreach that impact costs). Such a NC board member elections budget, at a minimum, should include:

- A NC board member elections unit in the City Clerk's Election Division consisting of **1 Senior Project Coordinator and 4 Project Coordinators**.
- Materials, supplies and contractual services funds to cover forms, signage, translation, etc. to support the basic election processes (amount to be determined).
- Contractual services funds to obtain consulting services from the current experienced Independent Election Administrator(s) to assist the City Clerk in designing and implementing the standardized regional NC board member elections system (amount to be determined).
- Dedicated budget for voter outreach that should be housed within the Department of Neighborhood Empowerment (DONE) consistent with DONE's focus, as recommended by the NCRC, on outreach (amount to be determined).

Coordination with DONE and the Neighborhood Councils

If the responsibility for conducting NC board member elections is assigned to the City Clerk, then the City Clerk will be ultimately accountable for the administration of these elections. However, the City Clerk would still need to closely coordinate our work with both DONE and the Neighborhood Councils as follows:

- It is our understanding that the NCRC is considering recommending that DONE have the primary responsibility for outreach to help expand overall participation in the Neighborhood Council movement. Consistent with that focus, we would expect to work closely with DONE in the time period leading up to the regional elections to take advantage of DONE's ongoing outreach efforts to focus our election announcements, confirm voter mailing lists, and to undertake other election outreach strategies targeted to the needs of specific Neighborhood Councils. Regional elections could also facilitate leveraging the public relations and outreach capability of City offices to increase election awareness (e.g. Mayor's Office, Council Offices, City departments). The exact demarcation line between DONE's ongoing outreach efforts and the election specific announcements/notifications would be worked out with DONE and the City Clerk election administrators.
- We would expect the DONE field staff (Project Coordinators) to be available to assist the City Clerk election administrators (under the direction of those administrators), if necessary, on the regional election days.
- In line with the existing Neighborhood Council Election Procedures, the City Clerk still believes that Neighborhood Councils can be empowered by participating in the conduct of their NC board member elections. The City Clerk

anticipates drawing volunteers from the greater Neighborhood Council community, providing training to those volunteers and then fully integrating the volunteers into the administration of the NC board member elections. The regional election structure should facilitate this participation, since the Neighborhood Council volunteers could help administer the elections for regions outside of where their own Neighborhood Council is located.

- The ultimate design of the election challenge process will, if it is incorporated into the overall grievance process, necessarily involve the participation of the Neighborhood Councils, BONC and the greater Neighborhood Council community. The City Clerk election administrators will be available to provide training on election challenge review techniques and methodologies and will act as a resource for specific election challenges by making available all relevant information and documents and providing testimony as necessary to the election challenge review bodies.

Transition Time Frame and Implementation Issues

Beyond the pre-conditions set forth in the beginning of this report, there are several factors that could complicate or delay the transition of responsibility to the City Clerk for conducting NC board member elections. The first available window to implement the standardized regional NC board member elections as envisioned in this report is the spring of 2008. After that period, the next available window will be the spring of 2010 (from July 1, 2008 through June 30, 2009 the City Clerk will be engaged in conducting the City's municipal elections). It is likely that the final NCRC report on the System of Neighborhood Councils will not be submitted to the City Council until late September or early October 2007. Allowing for City Council consideration, it is likely that the City Council will not take final action on the NCRC recommendations until late 2007.

Accordingly, if we are trying to implement this program in the spring of 2008, the NCRC should take the following issues into account as it continues its review of this matter:

- What steps can be taken by DONE and the Neighborhood Councils now, with the assistance of the City Clerk, to set the stage for moving to a system of standardized regional NC board member elections.
- The issue of whether Charter Section 904(f) will have to be amended to allow for the more standardized election administration envisioned in this report, and the timing of such a Charter amendment election if one is required, could impact the implementation time frame. The NCRC should consider requesting the City Attorney to review this issue now to see if the program can be implemented without a Charter amendment.
- A more standardized election administration process will conflict with existing bylaws of the Neighborhood Councils. The process of amending these bylaws on an individual basis would be very time consuming and cumbersome and could

delay implementation of the standardized regional NC board member elections. The NCRC should consider asking the City Attorney for advice on a method to make a "macro" change to the NC board member election process that could be implemented without first amending the individual Neighborhood Council bylaws. It should also be noted that once the standardized regional NC board member elections are implemented, the Neighborhood Councils might have to address other bylaw amendments beyond just the conduct of the elections (e.g. terms of office, staggered terms, etc.).

Conclusion

Having the City Clerk conduct the NC board member elections has the potential for creating a win-win situation whereby the Neighborhood Councils are provided with professional full range election services; the City Clerk gains additional resources for the conduct of municipal elections; and DONE is able to focus on its outreach efforts to improve overall participation in the Neighborhood Council program. As a side benefit, closer interaction between the City Clerk and the Neighborhood Councils could facilitate the recruitment of poll workers and polling places for the municipal elections. However, to obtain these benefits the Neighborhood Councils will have to accept some level of standardization in their elections.

If you have any questions regarding this report, please contact me directly at (213) 978-1020.

Sincerely,



Frank T. Martinez
City Clerk

City Clerk Budget Appropriation Request

The Neighbourhood Council Review Commission transmits with this final report the following budget appropriation technical language it received from the City Clerk. This technical budget request language is a companion to the City Clerk's letter of April 26, 2007 (City Clerk Conduct of Neighborhood Council Elections), also attached to this report, that relates to the Clerk's assumption of certain election responsibilities for the neighbourhood councils.

That the City Council, subject to the approval of the Mayor:

1. Authorize resolution authority for the period July 1, 2007 through June 30, 2008, and eight months funding, and election expenses for one (1) Senior Project Coordinator (Code 1538) and four (4) Project Coordinators (Code 1537) for the Office of the City Clerk to conduct Neighborhood Council elections.
2. Authorize the transfer of \$1,174,946 from the Reserve Fund to the Unappropriated Balance and appropriate therefrom to Fund 100, City Clerk Department 14 to the following accounts:

<u>Account</u>	<u>Account Title</u>	<u>Amount</u>
1010	Salaries General	\$343,727
1090	Salaries Overtime	\$198,254
1070	Salaries, As-Needed	\$287,462
4170	Election Expense	\$345,503

3. Authorize the City Clerk or designee(s) to prepare Controller instructions and any necessary technical adjustments or clarifications that are consistent with the Mayor and City Council actions on this matter.