



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R06-0171

APR 24 2006

REPORT RE:

**DRAFT ORDINANCE PRESCRIBING THE METHOD FOR
APPOINTING A COMMISSION TO EVALUATE THE
SYSTEM OF NEIGHBORHOOD COUNCILS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File No. 05-0894

Honorable Members:

This office has prepared and now transmits for your action the attached draft ordinance, approved as to form and legality. This draft ordinance prescribes the method for appointing a commission to review the citywide system of neighborhood councils as required by Charter § 912.

Background

On January 20, 2006, the Education and Neighborhoods Committee directed this office to begin preparing a discussion draft of an ordinance that prescribes the method of appointing a commission to review the citywide system of neighborhood councils to assist the Committee in its discussions. On April 21, 2006, you directed this office to prepare a final ordinance along the lines of the Education and Neighborhoods Committee recommendations, subject to several amendments.

Summary of Ordinance Provisions

This ordinance provides the method of appointing the commission that will evaluate the citywide system of neighborhood councils. The ordinance prescribes the title of the commission, the appointment process, including how to fill vacancies should they occur, the scope of review, the meeting requirements and the time period for submitting a report to the City Council.

The ordinance provides that the commission will be referred to as the Neighborhood Council Review Commission and shall consist of 29 members. The Mayor will appoint 14 of those members, seven of whom will be appointed from a pool that has been recommended to the Mayor collectively by the neighborhood councils representing the seven Area Planning Commission areas. The City Council will appoint fifteen members from nominations submitted by each City Councilmember.

The ordinance also provides that the commission is subject to the Ralph M. Brown Act, requires that at least one meeting be held within the jurisdictional boundaries of the Area Planning Commissions, mandates that the meetings be filmed and broadcast by Channel 35 or 36 whenever feasible, and sets forth a list of mandatory and discretionary issues for the commission to review.

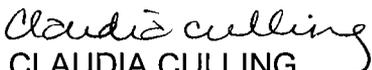
Council 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Neighborhood Empowerment, the Information Technology Agency and the City Clerk. We have requested that they make any comments they may have directly to you when this ordinance is considered.

If you have any questions, please contact Assistant City Attorney Gwendolyn R. Poindexter at (213) 978-8199. Either she or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
CLAUDIA CULLING
Special Counsel - Municipal

CC:grp:mg
Transmittal

ORDINANCE NO. _____

An ordinance prescribing the method for appointing a commission to evaluate the system of neighborhood councils.

WHEREAS, City Charter Section 912 provides that the Mayor and Council shall appoint a commission to evaluate the provisions of Article IX of the Charter, the Regulations adopted pursuant to Article IX of the City Charter, and the efficacy of the system of neighborhood councils;

WHEREAS, the commission must be appointed as prescribed by ordinance;

WHEREAS, the appointments must be made no later than seven years after the adoption of the Charter; and

WHEREAS, pursuant to City Charter Section 109, the adoption date of the Charter is that date upon which the adopted Charter is filed in accordance with state law, which occurred on June 24, 1999.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. **Title.** The commission appointed pursuant to Charter Section 912 of the City Charter shall be referred to as the Neighborhood Council Review Commission and shall consist of 29 members, appointed by the Mayor and City Council.

Sec. 2. **Appointment Process.**

A. Mayoral Appointments. The neighborhood councils located in each of the seven Area Planning Commission areas shall collectively (for each area) submit to the Mayor by June 19, 2006, at 5:00 p.m., at least two nominations for membership on this commission. The seven Area Planning Commission boundaries are defined in Los Angeles Municipal Code Section 11.5.2. Neighborhood councils may rank their recommendations if they choose. Neighborhood councils may nominate their representatives to the commission at the Congress of Neighborhoods on June 17, 2006. If the neighborhood councils choose to do so, the Department of Neighborhood Empowerment will provide all necessary accommodations to facilitate the selection process at the Congress of Neighborhoods.

The Mayor shall appoint 14 members, seven of whom must be from the pool of nominations submitted by the neighborhood councils. These seven must represent each Area Planning Commission area.

If for any reason, neighborhood councils in any given Area Planning Commission area should fail to agree on at least two nominees, each neighborhood council within that Area Planning Commission area may submit its own nominations to the Mayor. As long as at least two nominees are submitted to the Mayor, the Mayor shall appoint one member from the Area Planning Commission area's pool of nominees.

Should the Mayor fail to timely receive a sufficient number of nominees to make these seven appointments, the Mayor shall appoint seven members of his choosing so long as the members are neighborhood council representatives of a neighborhood council located within each of the seven Area Planning Commission areas, giving consideration to the criteria set forth in Subsection C below. The Mayor shall appoint seven additional members, giving consideration to the criteria set forth in Subsection C below. The Mayor shall forward the names of these appointees to the City Clerk, who shall immediately upon receipt notify each City Councilmember of the Mayor's appointments.

B. Council Appointments. Each City Councilmember shall submit one nomination to the City Council for approval and appointment. Each nomination shall be made giving consideration to the criteria set forth in Subsection C below. Each City Councilmember shall forward the name of the nominee to the City Clerk. Upon receipt of all the nominations, the City Clerk shall notify the Mayor of these nominations, and shall immediately forward the nominations to the City Council for approval and appointment. The City Council then shall make 15 appointments by majority vote from those nominations received from the City Councilmembers.

C. Recommended Member Criteria.

1. The appointing authorities are encouraged to balance the commission by appointing commission members from current and past neighborhood council leaders, representatives from the business community and community organizations, renters, members of homeowners' associations, consultants and experts in the field of neighborhood organizing, academia, public administration and public policy.

2. Appointees need not be registered voters or residents of the City of Los Angeles.

D. Effective Date of Appointments. The commission appointments made by the Mayor shall become effective on the date that the City Clerk

receives the appointments. The commission appointments made by the City Council shall become effective on the date the City Council approves the nominations by majority vote. The City Clerk will notify the appointees of their appointments to the commission.

E. Time Limit for Making Appointments. Appointments shall be made no later than June 23, 2006.

F. Vacancies. Should a vacancy on the commission occur, the position shall be filled by the same appointing authority as the initial appointment within ten days of the vacancy.

Sec. 3. Scope of Review. The commission shall be charged with evaluating the provisions of Article IX of the City Charter, the Regulations adopted pursuant to Article IX of the Charter, and the efficacy of the system of neighborhood councils. In addition, the commission should review and comment on the original goals and objectives for a citywide system of neighborhood councils, by reviewing the works and documents of both the elected and appointed charter commissions, and should evaluate the legal status of neighborhood councils and their function, power and role within City government.

The commission may also discuss, evaluate and make recommendations regarding the following issues, including but not limited to:

- A.** The definition of "stakeholder;"
- B.** 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;
- C.** The effectiveness and enhancement of the Early Notification System as established in Los Angeles Administrative Code Section 22.810.1(f);
- D.** The orientation and training process for the neighborhood council board members and officers and methods to enhance training requirements and goals;
- E.** The current funding structure and amount of funding for each certified neighborhood council and other budgetary issues affecting neighborhood councils;
- F.** The manner in which neighborhood councils can, do, and should work together;

G. The manner in which neighborhood councils can, do and should work with their respective City Councilmembers and their staffs;

H. The performance, success and accomplishments of neighborhood councils;

I. The challenges of neighborhood councils, in particular neighborhood council elections;

J. The accountability of neighborhood councils, governmental officials and City officers;

K. 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

L. The role and effectiveness of establishing Memoranda of Understanding with specific, or all, City departments.

To assist in its research and fact-finding, the commission may solicit presentations from outside organizations involved in community empowerment such as the USC Neighborhood Participation Project, USC Civil and Community Relations, the City Council 8th District Empowerment Congress, the City of Pasadena's Neighborhood Connections and Neighborhoods USA.

The commission shall make recommendations to the City Council regarding changes to the City Charter and Regulations, as it deems appropriate.

Sec. 4. Meeting Requirements.

A. The commission is subject to, and shall comply with, the provisions of Government Code Sections 54950, *et seq.*, the Ralph M. Brown Act.

B. Fifteen members shall constitute a quorum.

C. The commission shall make every effort to hold as many meetings as possible in the evenings (*e.g.*, 4:00 – 7:00 p.m.) and on weekends to maximize the convenience to interested members of the public to attend the commission meetings.

D. The commission shall film and broadcast its meetings on City Channel 35 or 36, whenever feasible.

E. Meetings of committees that are created by the commission, including ad hoc committees, shall be open to the public.

F. At least one meeting of the commission shall be held within each of the jurisdictional boundaries of the Area Planning Commissions.

Sec. 5. Submission of Report. The commission shall meet for twelve consecutive months and report at least twice to the City Council.

A. After the first six months, the commission shall submit an initial report, highlighting its progress and any initial recommendations to the City Council.

B. At the conclusion of the twelve month period, the commission shall submit a final written report to the City Council, including any recommendations it deems appropriate regarding changes to the Charter or the Regulations, subject to the City Council granting one 90-day extension of time for the submission of this report, if additional time is necessary to complete the report.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
GWENDOLYN R. POINDEXTER
Assistant City Attorney

Date April 24, 2006

File No. 05-0894