

REPORT OF THE CHIEF LEGISLATIVE ANALYST

TO: Honorable Members of the Education and Neighborhoods Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

December 14, 2005
Assignment No.: 05-06-0990
C.F.: 05-0894

THE NEIGHBORHOOD COUNCIL REVIEW COMMISSION

This report is in response to the Motion (Hahn-Zine) instructing the Chief Legislative Analyst (CLA), with the assistance of the Department of Neighborhood Empowerment (DONE) and the City Attorney to draft a report relative to appointing a commission to evaluate the Citywide System of Neighborhood Councils, pursuant to Section 912 of the City Charter.

RECOMMENDATIONS

It is recommended that the City Council:

1. REQUEST the City Attorney, in coordination with Chief Legislative Analyst (CLA) and Department of Neighborhood Empowerment (DONE) and in consideration of comments received from Neighborhood Councils and other stakeholders, to draft an ordinance pursuant to Charter Section 912 for consideration within the next 90-days, that establishes a seventeen (17) member Commission for the review and evaluation of the Citywide System of Neighborhood Councils based upon the following parameters:
 - A. The Commission shall be composed of two appointees by the Mayor and one by each of the Council Members;
 - B. The Commission shall become effective upon all appointments being received and verified by the City Clerk;
 - C. The Commission appointees shall be registered voters in the City and represent one or more of the following categories: community organizations, Neighborhood Councils, academia, consultants, experts in public policy, homeowner associations, business, or homeowner;
 - D. The Commission shall meet for 12 months, at the end of which a final report of recommendations, if any, or changes in the Citywide System of Neighborhood Councils shall be presented to City Council. During that time, the Commission shall report quarterly to the City Council;
 - E. All meetings of the Commission shall comply with the Brown Act;

- F. The Commission shall hold at least one public meeting for the sole purpose of receiving comments from the public on the general subject of Neighborhood Councils and on the tentative final report of the Commission;
 - G. The Commission shall evaluate the provisions of City Charter Article IX, the ordinance and regulations adopted to implement the Citywide System of Neighborhood Councils, and the efficacy of the Citywide System of Neighborhood Councils; and
 - H. The Commission's evaluation of the ordinance and regulations adopted to implement the Citywide System of Neighborhood Councils shall include, but not be limited to, the election process for the Neighborhood Councils, the definition of stakeholders, evaluation of DONE, diversity and outreach efforts, and disclosure requirements.
2. INSTRUCT DONE to provide the above Neighborhood Council Review Commission proposal to the Neighborhood Councils and the Board of Neighborhood Commissioners (BONC) for review and comment, and to consolidate comments received by the end of February 2006 for consideration in the drafting of the City Charter Section 912 ordinance developed pursuant to Recommendation #1 above.
 3. REQUEST the Mayor to provide \$500,000 for expenses related to the establishment and operation of the Neighborhood Council Review Commission in the fiscal year 2006-2007 Budget.

FISCAL IMPACT STATEMENT

There will be no fiscal impact in fiscal year 2005-2006. The Mayor is requested to provide \$500,000 in funding for Neighborhood Council Review Commission staff support services and related costs in fiscal year (FY) 2006-2007, which would impact the General Fund.

SUMMARY

The City Charter Section 912 requires the Mayor and Council to appoint a commission as prescribed by ordinance to evaluate the provisions of the Charter relative to Neighborhood Councils, the regulations adopted for Neighborhood Councils and the efficacy of this system. The ordinance must be drafted and adopted by the City Council within the next several months to allow for the appointment of the Neighborhood Council Review Commission by the June 24, 2006 deadline. The Charter is silent on the confirmation process for these Commissioners, the time frame of the Commission, and the submission deadline for a final report to the City Council with findings and recommendations.

The Education and Neighborhoods Committee instructed the CLA to draft a discussion paper on this subject which is titled "Discussion Paper On Establishment of the Neighborhood Council Review Commission" (attached). This paper was posted on the DONE web-site for the specific purpose of allowing the Neighborhood Councils and others members of the public to submit comments on the subject to the CLA. Another CLA Report titled "Discussion Paper on Formation of Several Commission" detailing the selection methods employed by the City for other commission was also submitted to the Committee for discussion (attached). To date, the CLA's office has received twenty-two (22) comments from Neighborhood Council governing boards, members of Neighborhood Councils, community groups and private citizens in the form of e-mails and letters. Major comments received are summarized below:

Candidates Qualifications: Comments suggested that Commissioners should include City Council staff, students, DONE, Board of Neighborhood Commissioners (BONC) and Neighborhood Council representatives, as well as representation from affected City departments (i.e., Recreation and Parks, Public Works, Transportation, Housing, etc.) and individuals that have not participated in the Neighborhood Council process.

Scope of Commission Responsibilities: Comments suggested that the Commission's responsibilities include, but not be limited to, reviewing the following: 1) definition of stakeholders, 2) disclosure requirements, 3) by-laws, 4) outreach efforts, 5) election procedures, 6) Brown Act requirements, 7) formation of Neighborhood Councils, 8) grievance procedures, 9) Civil Rights violations, 10) discrimination and workforce violence, and 11) evaluate the interaction between the Mayor's office, DONE, Neighborhood Councils, stakeholder, and grass roots organizations on their ability to provide adequate services to City residents.

Consultant Study: There was a suggestion to hire a outside consultant to study the effectiveness of the Citywide System of Neighborhood Councils.

The CLA's Office considered these comments, along with historical precedence for establishing similar type commissions, and recommends that a seventeen (17) member Commission be established, with each of the Council Members appointing a member and the Mayor appointing two members. The direct, non-confirmation process will entail the Council Members and the Mayor submitting their appointment to the City Clerk, who will then verify that the appointees have met the requisite qualifications. Upon the City Clerk's finding of sufficiency, the new Commission would be created and ready to meet.

It is anticipated that the Neighborhood Council Review Commission will require staff support services and funding for other related expenses. Therefore, funding for such services and expenses should be included in the FY 2006-2007 Budget, as requested by Motion (Hahn-Zine) (Council File No. 05-0600). It is therefore recommended that the Mayor be requested to include \$500,000 in the FY 2006-2007 Budget for this purpose.

- Attachment:
1. CLA Report: "Discussion Paper On Establishment of the Neighborhood Council Review Commission"
 2. CLA Report: "Discussion Paper on Formation of Several Commissions"
 3. Motion (Hahn-Zine)