

December 2, 1998

To: Members, Conference Committee of the Appointed and Elected Charter Reform Commissions

From: George Kieffer and Erwin Chemerinsky

Re: Suggestions for unified Charter proposal

At our last meeting, the Conference Committee made tentative decisions concerning the authority of the Controller, some issues concerning budget and finance, the redistricting process, and public works. We agreed that our tentative agreements would not be presented to the two Commissions until we had completed a package that included most of the major areas of the Charter. The Conference Committee agreed that it would continue to try to find agreement on the remaining Charter issues over the next few weeks.

As we did for the last meeting, we wish to propose the following for consideration and tentative agreement by the Conference Committee. Of course, we are not proposing Charter language, but rather areas for policy agreement. Our focus, in this memo and for Thursday's meeting, are several issues concerning citizen participation and the responsiveness of City government.

A word about the timetable. We believe that the Conference Committee must complete its work in the next few weeks. If the Conference Committee is successful in agreeing upon a unified package proposal for a single Charter, that should be presented to the two Commissions in late December or very early January. If the two Commissions agree, drafting of language (reconciling the drafts of the two Commissions) would occur in January. This would allow sufficient time for review by both Commissions and the City Council.

Specifically, we propose the following with regard to issues concerning representation:

1. **Neighborhood councils.** We propose that the Charter create a system for participatory, self-selected, advisory neighborhood councils.

The Appointed Commission chose to create an Office of Neighborhood Empowerment to formulate a plan for a citywide system of neighborhood councils. Under the Appointed Commission's approach, the Charter would set criteria for the plan, including that the formulation of the plan shall involve

public participation. Also, regulations must provide: a method of selection that provides an opportunity for broad participation; that all areas are given an equal opportunity to form neighborhood councils; and that neighborhood councils adopt fair and open procedures. Boundaries of neighborhood councils would respect neighborhood boundaries, rather than political boundaries. The method of selecting members and drawing boundaries would be established by ordinance. The City Council may, by ordinance, give neighborhood councils decision-making powers. The City Council would be required to adopt implementing ordinances within a specified period of time. The Charter shall require that neighborhoods be given notice of decisions affecting them and, at a minimum, advisory powers over such local matters as shall be enumerated by ordinance. The Charter shall provide for review after seven years.

The Elected Commission chose to offer the voters a choice between two models of neighborhood councils. The Charter would create a participatory form of neighborhood councils, where all in a neighborhood could participate and members would be chosen through self-selection. A Department of Neighborhoods would be created to ensure that all areas have the opportunity to create neighborhood councils. Additionally, funding would be provided in the same manner as the Charter now provides for the Ethics Commission (i.e., the Council must appropriate funds for neighborhood councils at least one year in advance of each fiscal year). The Elected Commission also tentatively decided that the Charter should allow the voters to enact, as an alternative, a system of elected neighborhood councils. Under this proposal, each City Council district would have a neighborhood council. Each neighborhood council would have seven members. The members would be elected via a system where each citizen would vote for one member of the council and the seven candidates with the highest vote total would prevail. Each elected neighborhood council would be allocated a small amount of money to buy additional city services. Elected neighborhood councils would have an advisory role on land use matters.

We propose the following:

A. The Charter proposal contain only one form of neighborhood councils: participatory, self-selected neighborhood councils with an advisory role. In other words, there would not be a separate ballot option for elected neighborhood councils.

B. An Office of Neighborhood Empowerment would be created. It would be responsible for overseeing the creation of a system of neighborhood councils throughout the city. Included would be provision of the Appointed Commission's proposal that would require the Office of Neighborhood Empowerment to develop a plan for the creation of neighborhood councils and present this to the City Council within a specified amount of time after approval of

the Charter. The plan would go into effect if not rejected by the City Council within a specified amount of time.

C. The Office of Neighborhood Empowerment would be responsible for making sure that every area of the city has the opportunity to be a part of a neighborhood council. Neighborhood councils would reflect community boundaries, not City Council district lines.

D. The neighborhood councils should be participatory in that all in the community (i.e., citizens, non-citizens, business, civil groups, etc.) would have the opportunity to participate.

E. Each neighborhood, with the assistance of the Office of Neighborhood Empowerment, will decide the means it will use for selection of its members.

F. An "early warning system" should be created where neighborhood councils are alerted as to matters affecting their community; the warning should be sufficiently in advance of consideration by the City Council or other bodies so as to allow time for input before the decision. Failure to adhere to the early warning requirement would not be a basis for invalidating the government's action.

G. Neighborhood councils shall identify community needs and concerns and may make recommendations to appropriate decision-makers on any issues of concern to the community, except in a manner that is inconsistent with established city policy or other sections of the Charter.

H. The funding for neighborhood councils shall be provided by a requirement that the Council must appropriate funds for neighborhood councils at least one year in advance of each fiscal year. (This is how funding for the Ethics Commission is now provided for in the Charter).

I. The Charter shall provide for review of neighborhood councils after seven years.

2. **Area planning commissions.** Both Commissions approved a proposal for Area Planning Commissions. There are only minor differences between the proposals. Area Planning Commissions are a key way to address the concern that downtown City government is too far away and too removed. Decentralization of planning is an important way to provide more local decision-making for land use issues.

We propose the following:

- a) The Charter shall prescribe that the City shall be divided into not less than three Area Planning Districts, with the number of Districts determined by ordinance and the boundaries to be drawn by ordinance in a manner which does not divide community planning areas.
- b) An Area Planning Commission shall be created for each of the areas determined by ordinance. Five Commissioners, with residency in each district, will be appointed/removed in the manner as all other Commissioners. Area Planning Commissions are quasi-judicial agencies. Each Area Planning Commission shall have and exercise the following powers with respect to matters concerning property located in the area served by the Area Planning Commission:
- i) To hear and determine appeals where it is alleged that there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the Zoning Administrator;
 - ii) To hear and make determinations on any matter normally under the jurisdiction of the Zoning Administrator when that matter has been transferred to the jurisdiction of the Area Planning Commission pursuant to a request for transfer because the Zoning Administrator has failed to act within the time limits prescribed by ordinance;
 - iii) To hear and determine applications for, or appeals related to conditional use permits and other similar land use permits, in accordance with procedures prescribed by ordinance.
 - iv) To make determinations with respect to zone changes or similar matters as referred to it from the City Planning Commission pursuant to Section 462 of the Charter.
 - v) To hear and determine other matters as may be delegated to it by ordinance.
- c) A Citywide Planning Commission would be created and consist of nine members. It shall:
- i) give advice and make recommendations to the Mayor, Council, Director of Planning, municipal departments and agencies with respect to city planning and related activities and legislation.
 - ii) make reports and recommendations to the Council and to other governmental officers or agencies as may be necessary to implement and secure compliance with the General Plan.
 - iii) perform other functions set forth elsewhere in the Charter or specified by ordinance.

d) Appeals shall be made directly from the Area Planning Commissions to the City Council, except where the Citywide Planning Commission is involved, in which case appeal would be from it to the City Council.

e) The Board of Zoning Appeals would cease to exist and all appeals would go through this system. Zoning variances would continue to go through the Office of Zoning Administrator with appeals to Area Planning Commissions.

f) Neighborhood Councils would have an advisory role in the Area Planning Commission or the Citywide Planning Commission.

3. **Size of City Council.** We propose that the Charter create 21 City Council districts. However, the ballot should give the voters the option to maintain 15 City Council districts instead.

The Appointed Commission has tentatively decided that the Charter should create 21 Council districts. The Elected Commission has tentatively decided to give the voters a choice between 15 and 25 districts. Under the Elected Commission's approach, the Charter would create 15 districts, but a separate initiative would propose 25 Council districts. This is similar to the current Charter which proposed nine Council districts, but an initiative on the same ballot proposing 15 was approved.

As a compromise, we propose maintaining the Elected Commission's approach of giving the voters an alternative ballot choice with regard to Council size, but incorporating the Appointed Commission's recommendation for 21 districts. There is strong division of opinion as to whether the size of the Council should be expanded. The Elected Commission decided to leave the issue to the voters. The Appointed Commission chose 21 Council seats. Therefore, as a compromise we propose that the voters be able to choose between 15 and 21 Council districts. Specifically, the main body of the Charter should be for a Council of 21 members. A separate amendment would be to leave the Council size at 15.

4. **Maintain the current Charter provisions with regard to the Los Angeles Unified School District.**

The Appointed Commission voted to increase the number of districts and to increase the salary for members of the School Board. The Elected Commission voted not to change these provisions, but tentatively decided to make recall elections much easier.

We recommend that the Charter make none of these changes, but instead continue the status quo as to education provisions of

the Charter.

5. Maintain the current Charter provisions with regard to elections.

The Appointed Commission tentatively decided to set the number of signatures for nominating at 500, but to allow ordinance to set the maximum number of signatures that can be collected. The Appointed Commission also decided to allow the Mayor and Council to authorize voting by mail in special elections.

The Elected Commission tentatively decided to reduce the number of signatures required to run for City Council from 500 to 250. The Elected Commission also chose to allow the Council to call mail-only elections and to use other procedures authorized by state law. The Elected Commission decided to make recall of government officials significantly easier.

We recommend continuing the current Charter provisions with regard to number of signatures required; mail elections; and recall. In other words, we recommend that the Charter not incorporate the changes in this area approved by either Commission.