

**CITY OF LOS ANGELES  
CHARTER REFORM COMMISSION**

**DELIBERATIONS**

**OBJECTIVE THREE**

**TO INCREASE AND IMPROVE OPPORTUNITIES IN THE  
CHARTER FOR CITIZEN PARTICIPATION**

**Briefing Materials**

Wednesday, April 22, 1998

## **Introduction**

At its April 8, 1998 meeting, the Commission explored barriers to access in the system of participation in city government. While there are important opportunities for participation under the current Charter, there are also obstacles that limit them.

However, barriers to access can also be seen as thresholds that are essential to democracy. Representative democracy itself is a barrier. It requires the people to elect representatives who will speak for them and make decisions on their behalf, rather than having direct decision-making power.

The question is not whether there should be barriers to access. Rather, the question is whether the current array of barriers to access hinder or advance the goals of accountability, efficiency, and responsiveness. For each barrier, an assessment should be made about the importance of its function and therefore whether it should be retained or reduced. Moreover, could new structures provide pathways to access?

In these deliberation materials, we focus on three issues that have been widely discussed as possible venues to improve the system of citizen participation:

How Council districts are determined

The size of the City Council

Neighborhood governance

At a subsequent meeting, the Commission will take up another set of issues involving reform of the election system. These issues include: alternatives for reform of the direct democracy processes (initiative, recall, referendum); dates and times of elections; and alternative voting methods. At that time, the staff will present recommendations on which items, if any, should be included in Charter reform, and which issues, if any, ought to be deferred for further study after the completion of this Commission's work.

### **ISSUE ONE**

## **THE DRAWING OF COUNCIL DISTRICTS**

### Barriers to Access

Council districts are drawn without regard for communities of interest

### Current Situation

The Charter requires the City Council, by ordinance, to redistrict the City into 15 districts at least every 10 years, and that districts contain, as nearly as practicable, one-fifteenth of the total population of the City as shown by the most recent Federal Census preceding the redistricting. The Charter authorizes the Council to redistrict more often, based on Federal Census data or other population reports determined by the Council to be substantially reliable.

The Charter also requires districts, as nearly as practicable, to be bounded by natural boundaries or street lines, but no other criteria for establishing district lines are contained in the Charter. Finally, the Charter provides that no change in the boundary of a district shall operate to abolish or terminate the term of office of any councilmember prior to expiration of the term of office for which the member was elected. The City Council accomplishes redistricting by an ordinance, which is sent to the Mayor for signature or veto. The Council can override the Mayor's veto by a two-thirds majority.

Several major U.S. and California cities take a different approach to redistricting than does Los Angeles. Some charters require a process for public input, such as in Santa Ana. Other charters, such as in Dallas, create an appointed commission with redistricting authority. Other cities, including Sacramento, prescribe various criteria for drawing council lines. A few cities mandate all three in their charters, such as New York City, San Diego, and San Francisco.

### Problems with the Current Situation

The Charter does not require the Council to consider neighborhood boundaries when redrawing districts. While the Voting Rights Act precludes the Council from violating the representation rights of specified minority groups, there is no bar to using the redistricting process for political purposes. One result is that neighborhoods may not be kept intact. Van Nuys, for example, is represented by five members of the City Council.

### Alternatives

Retain redistricting authority in the Council, but add criteria which include maintaining boundaries of defined neighborhoods.

Transfer the authority to redistrict from the Council to an independent body.

Keep the system as presently constructed.

### **STAFF RECOMMENDATION**

Change the current system by transferring the authority to redistrict from the Council to an independent body (alternative B).

If an independent body were formed to redraw Council districts, the Charter should also specify how its members would be selected. The process used for redistricting could be specified in the Charter or left to ordinance. This system could reduce the opportunity for political gerrymandering.

## ISSUE TWO

# THE SIZE OF THE CITY COUNCIL

### Barriers to Access

Large size of City Council districts excludes many communities of interest

There are relatively few elected offices to run for

Large size of Council districts makes campaigning expensive and time consuming

### Current Situation

The Charter requires the City to have 15 City Council members elected from 15 districts of equal population.

### Problems with the Current Situation

Los Angeles has the largest ratio of residents to councilmember of any city in the United States. At 230,000 residents per councilmember, Los Angeles ranks far above most other cities. In order to gain access to the attention of a councilmember, residents must compete with other residents from widely dispersed communities. It is unlikely that citizens can have regular direct interaction with their elected representative. An additional problem with the current system is that in a diverse city, there are fewer opportunities for representation in a Council with relatively few members.

### Alternatives

Increase the size of the Council to 16-35 members.

Increase the size of the Council to 36-50 members.

Establish a process for periodic review of Council size with the objective of maintaining a set ratio.

Make no change to current Council size.

### **STAFF RECOMMENDATION**

Increase the size of the City Council.

An increase in Council size would reduce the remarkably high ratio of councilmembers to residents. However, the staff does not make a specific recommendation on the number of seats that should be added to the City Council. A small increase to 17 members today would reduce the resident / officeholder ratio from 230,000-1 to 205,000-1. An increase to 50 members, consistent with Chicago and New York City, would reduce the ratio to 69,000-1.

A slight increase in Council size would help somewhat in making Council districts smaller, but would not fundamentally alter the relationship between the public and the Council. A major increase in the size of the Council would likely create significant effects, including the opportunity for greater representation for diverse groups. It could also alter the coherence and effectiveness of the Council as a legislative body.

## ISSUE THREE

# NEIGHBORHOOD GOVERNANCE

### Barriers To Access

State Constitution prevents noncitizens, 1/3 of voting-age residents, from voting

Council districts are drawn without regard for communities of interest

There are relatively few elected or appointed City officers

Opportunities for formal comment often occur after key decisions have been made

Meetings are usually conducted during normal work day, far from affected neighborhoods

Most people are unaware of the process for informal or formal participation in decision making

### Current Situation

The Charter has no formal requirement that input be solicited on a neighborhood or sub-City basis, although the Charter does require a public hearing before certain actions can be taken, such as adoption of the budget and the General Plan. Decision-making authority regarding land use, budget, and delivery of services is centralized and vested in the City Council, Mayor, and City Commissions. At the same time, Charter provisions do not restrict the development of neighborhood councils or other local advisory groups.

A number of City Council members have taken steps to organize community advisory councils within their own districts. The Council's Governmental Efficiency Committee is also currently considering a proposal to establish a citywide system of neighborhood councils by ordinance.

The first question is: Should the process continue to evolve on its current course, or should neighborhood governance be addressed in the Charter?

Commission research indicates that only New York City and Washington, D.C., have active community boards that are authorized by Charter. These boards also have the most formal authority. Cities that have been held up as successful models of neighborhood participation—Portland, St. Paul, Dayton and Birmingham—have constructed their systems through ordinance. The development of these systems was originally prompted by federal funding requirements.

## **QUESTION 1: SHOULD THE CHARTER INCLUDE ANY PROVISION FOR NEIGHBORHOOD GOVERNANCE?**

### Alternatives

Allow the City's elected officials to decide whether to devise a system of neighborhood councils.

Create an Office of Neighborhoods in the Charter to facilitate the development of a citywide system that encourages neighborhood input and participation.

Mandate the creation of neighborhood councils in the Charter, but leave some or all of the detail to ordinance.

Mandate the creation of neighborhood councils in the Charter, and detail in the Charter how boundaries would be drawn, what powers would be exercised and how members would be selected.

### **STAFF RECOMMENDATION**

The Charter should mandate the development of neighborhood councils, but not include much detail regarding their structure. The Charter should also establish an Office of Neighborhoods to promote and facilitate the development of neighborhood councils (combining alternatives B and C).

Maintaining the status quo does not guarantee that neighborhood councils would be established by ordinance or that all neighborhoods in the City would have an equal opportunity to participate. However, detailing in the Charter exactly how neighborhood councils should be formed and should function may be premature. Flexibility should be maintained in the Charter to facilitate the further discussion and development of neighborhood councils.

The concept of neighborhood councils is untried in many areas of the City. A great diversity of ideas on how they should be structured, selected, and empowered are reflected both in the proposals which have been received by the Commission (see summary in Appendix 1), the hearings conducted in neighborhoods across Los Angeles, and the focus group studies recently conducted for both Charter Commissions by the firm of Fairbank, Maslin, Maullin. The structure of neighborhood input and participation that works for one community may not work for another.

If the Commission decides that more detail should be included in the Charter regarding the structure of neighborhood governance, or that further exploration of structures is required before the question of Charter detail can be resolved, the following sections present alternatives and recommendations on powers, methods of selection, and boundary definition.

## **QUESTION 2: WHAT SHOULD BE SPECIFIED IN THE CHARTER REGARDING THE ROLE AND POWERS OF NEIGHBORHOOD GOVERNANCE STRUCTURES?**

### Alternatives

Leave the Charter silent, allowing City officials to decide either informally or through ordinance.

Require that before certain City decisions can be made, they must first pass through a neighborhood council review and recommendation period. Require adoption of an ordinance to detail types of decisions and process.

Same as alternative B, but detail types of decisions and process in the Charter.

Give neighborhood councils decision-making powers. Detail their powers and the process by which they would be carried out, including any appeal process, in the Charter.

### **STAFF RECOMMENDATION**

Neighborhood councils should have a formal review and recommendation period with respect to certain decisions, with details set forth in ordinance (alternative B).

Alternative A is the current system, in which individual members of the City Council have established neighborhood advisory boards. Although these boards have often been quite successful in generating resident input, they are dependent upon the interest and responsiveness of the individual councilmember. Communities of interest that cover more than one Council district may feel shortchanged. There is no guarantee that councilmembers will pursue such an approach, leaving residents in some districts without access to this forum of involvement.

On the other hand, decision-making boards (alternative D) raise a number of policy and legal questions. In a city that has yet to utilize a formal system of neighborhood involvement, it is a major leap to invest such bodies with formal decision-making powers before it is known whether those who participate would be representative of the community and whether citywide standards of equity would be honored. The City would bear substantial legal liability for actions of such boards, even if their actions are reviewable by higher authorities, because they would become formal decision makers. Additionally, substantial detail would need to be added to the Charter, greatly reducing flexibility. Staff's recommendation is consistent with the system widely used in a number of cities. Through the formal recommendation process, neighborhood boards have often developed a substantial degree of influence on the public policy process. Such a system would allow participants to express priorities on an on-going basis, and would provide an additional method for City decision makers to inform the public about complex issues. Consistent

with a streamlined and flexible Charter, details regarding the types of decisions and process by which recommendations are made should be left to ordinance. The opportunities for input specified by ordinance could include, for example, land-use matters, budget priorities, and delivery of services. Local officials could be required to bring plans and proposals before neighborhood councils at set times in the process. The neighborhood councils could be required to conduct public hearings on these matters before recommendations were made, so that all members of the community might be included.

### **QUESTION 3: WHAT SHOULD BE SPECIFIED IN THE CHARTER REGARDING THE SELECTION PROCESS FOR NEIGHBORHOOD COUNCIL MEMBERS?**

#### Alternatives

Charter should specify that selection method is determined by ordinance.

Charter should provide that members are self-selected.

Charter should provide that members are appointed by City officials.

Charter should provide that members are elected.

#### **STAFF RECOMMENDATION**

At the first stages of a system of neighborhood councils, members should be appointed or self-selected. As the system develops, a plan for electing some or all members might be more appropriate. Therefore, the Charter should retain flexibility to accommodate changes over time (alternative A).

As a neighborhood system begins, there is little basis to know how best to elect members. Some cities have had problems with election systems for neighborhood boards, including very low participation. Self-selection and appointment at the first stages of the process allow for an assessment of neighborhood interest, and also prevent the system from being dominated by politics at an early stage. Diversity in membership should be a key goal.

However, as the system develops, there will be greater clarity about popular interest in community boards and versions of electoral systems may emerge. If kept more informal than the official election machinery of the City, there would be room for innovation in voting processes. Charter language could achieve these goals by allowing the method of selection to be decided by ordinance.

Self-selection and appointment systems could allow for participation by noncitizens and nonresidents, and would not legally require equal-sized districts. Formal election systems, however, raise Voting Rights Act issues. If elected neighborhood councils are purely “advisory,” legal concerns may be lessened. But the result is less clear the more authority the councils hold.

## **QUESTION 4: WHAT SHOULD THE CHARTER PROVIDE REGARDING THE ESTABLISHMENT OF NEIGHBORHOOD COUNCIL BOUNDARIES?**

### Current Situation

Some City Council members informally establish advisory boards within their own districts. There are no formal guidelines for creating boundaries of neighborhood councils.

### Alternatives

Charter should specify that the system for establishing boundaries be created by ordinance.

Charter should require that neighborhood council boundaries conform to City service areas.

Charter should require that neighborhood council boundaries conform to City Council district lines.

Charter should require that neighborhood council boundaries conform to identifiable communities.

### STAFF RECOMMENDATION

The Charter should specify a method by which neighborhood council boundaries conform to identifiable communities, which do not necessarily coincide with Council districts (alternative D).

There are significant drawbacks to conforming neighborhood council lines to either City service areas or City Council districts. Current City service areas are drawn according to the characteristics of the service being delivered and, as a result, are differently sized and shaped. In New York City, efforts to make service delivery areas coterminous have met with only limited success. Due to redistricting every ten years, Council district boundaries are not stable. Nor do they reliably include defined communities in their entirety.

The Charter could, however, contain a mandate that neighborhood council boundaries conform to identifiable communities. Some cities with community panels have drawn lines based on a survey of citizens' perception of communities. In this system, community boundaries are self-defined. Cities that have gone through this process note that it has helped build trust between residents and City officials.

## **APPENDIX 1**

**[To follow under separate cover]**