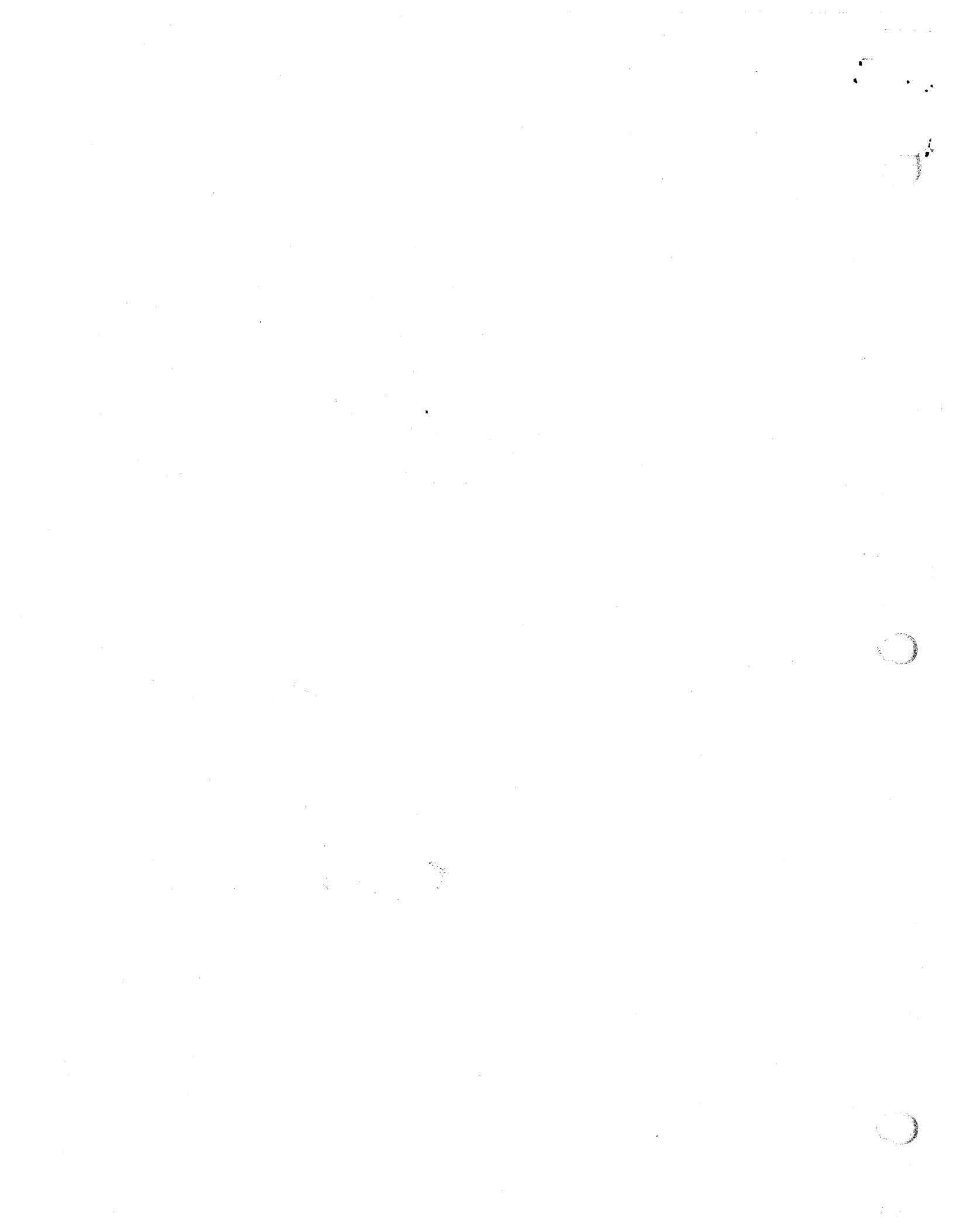




COMMITTEE ON A MORE RESPONSIVE CITY GOVERNMENT
WITH AN INVOLVED CITIZENRY

REPORT ON ESTABLISHING
NEIGHBORHOOD COUNCIL DISTRICTS

MAY 1998



**COMMITTEE ON A MORE RESPONSIVE CITY
GOVERNMENT WITH AN INVOLVED CITIZENRY**

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MAJOR CHARTER REFORM POLICY ALTERNATIVES

Major Alternatives in Relation to the Creation of Neighborhood Councils

1. Implement Neighborhood Councils

**Committee Position:
Support**

2. Implement a Neighborhood Council System in the Framework of New Charter.

**Committee Position:
Support, with further deliberation**

3. Create a new City Department of Neighborhoods and vest this new entity with the responsibility of Implementing a Neighborhood Council Program.

**Committee Position:
Support, with further deliberation**

4. Develop a System to Provide that Neighborhood Councils can be Developed, if Communities want to Establish a NC in their Area.

**Committee Position:
Not Supported**

Stage One Issues: Neighborhood Council Framework

Section A. Elected vs. Appointed Neighborhood Councils.

Elected Neighborhood Councils

**Committee Position:
Support**

Appointed Neighborhood Councils

**Committee Position:
Not Supported**

Section B. Mandated vs. Advisory Governing Powers.

Committee Position:
No Consensus

Section C: Formula for Interest Group Representation.

1. Area Residents

Committee Position:
Support

2. Area Residents and Landowners

Committee Position:
Not Supported

3. Area Residents and Landowners, Local Business persons, and Social and Civic Associations

Committee Position:
Not Supported

Section D. Independent Budget vs. Budget Linked to an Existing City Department.

- 1. Independent Budget**
- 2. Planning Department or other department**
- 3. City Council**
- 4. New City Department**

Committee Position:
No Consensus

Stage Two Issues:

Section E. Should Mandatory Governing Powers be Vested within the NC System on the Following Local Community Oriented Issues.

1. Local Land Use and Zoning Issues

Committee Position:
Support

2. Community and Specific Plans

Committee Position:
No Consensus

3. Cultural Affairs

Committee Position:
Not Supported

4. Parks and Recreation

Committee Position:
Support

5. Public Works

Committee Position:
No Consensus

6. LAPD

Committee Position:
Not Supported

Section E. Create a New Planning Commission directly Linked to the Neighborhood Councils vs. Maintaining the Planning Commission Structure.

Committee Position:
No Determination to Date

Section C. If an Appointed NC System, Should Candidate Selection Criteria Be Locally Based vs. Selection Criteria Linked to the City Council and/or the Mayor's Office.

Committee Position:
No Determination to Date

Section F. Appeals Process Structured within the Framework of the Neighborhood Councils vs. an Independent Process Structurally Separate from NC's.

1. Neighborhood Council Based

Committee Position:
Not Supported

2. Current System: Planning Commission and City Council

Committee Position:
Not Supported

3. Independent Commission

Committee Position:
Support, with further deliberation

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Stage Three Issues:

Section G. Number of Neighborhood Councils.

Committee Position:
No Determination to Date

Section H. Size of Neighborhood Councils.

Committee Position:
No Determination to Date

Section I. System for Establishing Boundary Designations and Change.

Committee Position:
No Determination to Date

Section K. Neighborhood Council Election Procedures.

Committee Position:
No Determination to Date

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I. Arguments in Support of and in Opposition to Creating a Neighborhood Council System

A. Arguments in support of Neighborhood Councils

1. Decentralized Decision Making

Neighborhood Councils (NC) will bring decision-making to the "grass roots" level. Current practice centers local issues in the City Council and the Mayor's Office. This system will provide for deliberations and decisions to be made by the people most affected by local issues. NCs will strengthen local confidence in city government.

2. Local Empowerment

NCs will affect local empowerment due to the fact that a range of functions, responsibilities, and areas of authority will be removed from either the executive or legislative branches. With powers vested within the NC system, local politics and participation will be invigorated since decision-making will closely reflect community-level interests.

3. Locally-Based Government Policy

A structural change from policies set centrally by the mayor and council, NCs will set local policies in relation to the needs, demands and priorities of each respective neighborhood.

4. Increase Local Public Access to Government

With the institutionalization of NCs at the local level, residents will anticipate that they will provide responses to both policy questions and service delivery problems. Due to the proximity to local residents, rather than City Hall, residents will be more involved and utilize the opportunity to work with NCs, as opposed to a view that traditional city government is too far removed both geographically and by inclination to be concerned about local problems.

5. Address a Wide Range of Local Issues

Neighborhood Councils may be vested with any number of agenda items. However, since they would not have the citywide responsibilities of department management, budgeting, tax policy, and other city functions, they will be able to be free to consider a wide array of local matters that other government entities would not consider. This could include "block-by-block" reviews of local concerns, something that even City Council members cannot accomplish on a regular basis.

6. Address Public Disillusionment with City Government

Although public disillusionment with City Government may be attributed to many causes, NCs can address the perception that government is too far removed from the concerns of average citizens. Most notably, the perception that City government is unsympathetic about local neighborhoods will change due to the presence of a local government office in every community. To the extent that decision-making authority is vested in NCs, these powers can address disillusionment generated by the perception that all decisions affecting local neighborhoods are from entities located a significant distance from the neighborhood level.

B. Arguments in Opposition to Creating a Neighborhood Council System

1. Maintain Centralized Administration and Authority Over City Policy

If authority for policy-making is decentralized to the local level, it will hinder the authority of the traditional branches of government. Central administration not only permits a more coherent citywide policy, but also a more efficient use of resources in administering City departments and programs.

2. Avoid Balkanized, NIMBYite Factions from Interfering with City Programs and Policy

NIMBY ("Not In My Back Yard") factions are often viewed as opposing any and all actions by local government, including programs that are perceived to have a negative impact upon a specific area. These factions, however, do not oppose such policies and programs as long as they are located in some other person's neighborhood. If these factions are permitted to control policy-making, then government would be hamstrung from performing many essential functions. These issues can include the siting of waste and/or storage facilities, government institutional uses, child care centers, substance abuse clinics and social service programs. Government must be able to develop cohesive plans without the obstacles in which the NIMBY logic occasionally creates artificial barriers to conventional public policy.

3. The Conventional Process of City Decision Making is Functional and Should not be Substantially Restructured

Local government already has a mechanism to obtain input from the neighborhood level, city commissions and the City Council. Since each Council member is elected from a local district, that representative can adequately represent the wishes and concerns of the neighborhoods in the district. In fact, since re-election may depend upon how well the district residents perceive themselves to be represented, the Council member is unlikely to act in a manner inconsistent with local concerns.

4. This Scenario Would Avoid Fractured City Decision-Making

While the local Council member may be concerned about local sentiment in their district, the City Council will still have to adopt City policy on an aggregate basis, as will citywide officials, who must interpret laws and regulations. With NCs involved in decisions on city policy, decision-making could become fractured as elected officials attempt to establish important and essential city policy, but are met with conflicting decisions from the local level.

5. Citywide Issues Would Be Addressed Without Being Impacted by Narrow Local Concerns

Consistent, coherent policy making would proceed on a citywide basis without interference from a 'competing' political policy centers, NCs. The current process of all power centered in City Hall could proceed without structural interference from numerous different interest groups, who would convolute decision-making on a range of city issues.

6. Neighborhood Councils will Increase the Cost of City Government

NCs will require staff, office space, equipment, supplies, and other program-related operating expenses. These costs can range from approximately \$1,000,000 (20 NC system with a small office) to \$11,300,000 (80 NC system with a full staff). While the cost range is only a preliminary estimate, the NC system will require direct general fund support. In addition, if the Commission endorses creating a Department of Neighborhoods this will be another a cost consideration. A new department could range from \$1,000,000 to over \$2,500,000.

Funding levels would be dependent on both the Mayor and the City Council. These budget estimates must be viewed as general, without input from city officials. However, NCs will require a specific line item in the city's budget that could range as high as \$15,000,000 per year.

7. Neighborhood Councils would become another Institutional Level of Government

The NC system would complicate the decision-making process by creating another level of government without enhancing the time frame of policy deliberation. Local decisions will become increasingly cumbersome, convoluted and sequestered in minute local considerations. This would not serve the purpose of streamlining procedures nor reducing bureaucratic processes.

In establishing this system, the Charter would essentially mandate an entirely new level of procedures, documentation, public hearings and appeals process to existing city functions. In addition, since this would be a new entity, an entire series of regulations, procedures, documentation and time frames would have to be established, tested, revised and re-created. The time frame to complete this initial stage is indeterminate, possibly lasting more than 18 months.

II. MAJOR CHARTER REFORM POLICY ALTERNATIVES

A. Alternative One: Implement a Neighborhood Council System within the Framework of the New Charter.

If the Commission recommends this alternative, the Charter would contain specific language defining the role, governing powers, structure, appeals process and interest group representation of Neighborhood Councils (NC). However, this is only a partial list of topics the Commission would want to consider. In essence, this requires an entire section of a new Charter focused solely on a range of structural issues that would direct the creation, administration and operation of a citywide NC system for the long term future.

The Commission would be establishing a structure that would be uniform in nature and which would clearly define the level of governing powers vested in NC's at the local level. This alternative would only have a limited level of flexibility in the interpretation of the Charter, since a majority of major issues would be incorporated directly into the text of the Charter.

The Commission would establish the essential components of an NC system, provide for a limited level of local determination of structure considerations, mandate that the city implement an NC system within a clearly defined set of guidelines, and provide the impetus to create NC's within a relatively short time after adoption of a new Charter. This is the most ambitious scenario if the Commission supports the creation a citywide NC system.

B. Alternative Two: Create a new City Department of Neighborhoods and vest this new entity with the responsibility of Implementing a Neighborhood Council Program.

This alternative would focus on creating a new "Department of Neighborhoods" within city government, mandate that the department implements an NC system, and that the Commission will essentially rely on the good faith of the department and the city to establish a comprehensive NC system. This option would only require that the Charter specifically create the new city department and an NC system. The specific structural configuration (contained in the report on Neighborhood Councils) in relation to implementation, administration, operation, appeals, conflict resolution and powers would be addressed after the Charter was adopted. The Commission would have endorsed the concept of NC's, created an administrative avenue for the creation of the NC system, provided a range of general goals of intent and established a mechanism for the public to advocate for NC's in the future.

In addition, the Commission could establish a required timeframe in which the city and the new department must implement an NC system citywide. However, the actual implementation of

an NC system will be determined after the Charter adoption process is completed.

In addressing bureaucratic ambiguity, the Commission has the option of developing specific criteria in the Charter governing the NC system. Conversely, the Commission can establish general structural criteria that the new department should adhere to in creating this new system. There is no clearly defined benefit in either option, this is purely a political decision for the entire Commission.

The main questions related to this alternative are:

- Should the Commission rely on a city department to establish a range of criteria governing NC's in the future?
- Should the Commission incorporate key provisions within the Charter governing the structure and process of the proposed NC system, thus limiting the level of interpretation and change of original intent in the future?
- Should the Commission develop a set level of "mandated structural issues" and allow the new department and the public a level of flexibility in the future?

C. Alternative Three: Develop a System to Provide that Neighborhood Councils can be Developed, if Communities want to Establish a NC in their Area.

This is the most flexible alternative in relation to establishing an NC system. The Commission would essentially allow for the establishment of NC's, the creation of a new city department and a range of powers within the NC system in the Charter. However, this would occur only if the public wants to pursue NC's at the local level and the city (i.e., mayor and council) is supportive of implementing this type of system in the future. The Charter language would be general in relation to the orientation, powers and structure of a potential NC system, identify the concept in generic terms, and specifically define the need vis-a-vis highly defined structure.

In this option, the public would determine the viability of an NC system through advocacy and lobbying at some future date. In addition, local level decisions and consensus would be the determinate factor in the composition, structure and powers of locally constituted NC's. The Commission would be reliant on a future demand that cannot be predetermined prior to adoption of a new Charter.

The Commission could recommend that a set of issues related to an NC system becomes incorporated into the city's administrative code. However, this strategy would not mandate a specific structure nor implementation time frame. In opting for a flexible approach, the

Commission would cede the most important aspects of NC decision making to others, who would re-engage this debate within an unspecified time frame.

III. THE REPORT

A. ELECTED VS. APPOINTED NEIGHBORHOOD COUNCIL MODELS

There are two competing models for neighborhood councils, elected and appointed. The pros and cons for each model are succinctly outlined below.

1. Elected Neighborhood Councils

Elected Neighborhood Councils (NCs) would address a major issue, the lack of representation due to the historically large size of current city council districts. A common public perception (the validity of which is not addressed in this document) is that city government does not address the needs of citizens because the political process is inherently separated from local neighborhood considerations. This is a key rationale for the secessionist movement.

A charter that provides for directly elected NCs, will provide the public with a locally based avenue for participation in a wide range of government activities. The public will have direct control over a number of city administrative and policy functions impacting its communities. The NCs will be likely assume a strong role over the delivery of city services. They will have the authority to exhibit direct control over functions now assumed by the city council, the Planning Commission and other city institutions.

This level of local empowerment would be unprecedented in the city's history. It would address the demand for neighborhood boards with independent powers and provide local leaders with the ability to formulate neighborhood oriented responses to urban issues and provide residents with the sense that government is truly community based in its orientation to the delivery of service. This system would also directly empower local leadership in relation to a range of government functions and activities. Communities will be expected to function with a spirit of negotiation and compromise both internally and with various city departments. They would be required to formulate policy, monitor city agencies, review department annual reports and plans, and evaluate the delivery of government services.

The positive aspects are:

- The public will sense that the councils are powerful and truly representative of issues related to the community.
- Elected councils will be fundamentally independent from City Council control.

- The councils would have significant discretion in determining local policy and programs on a range of issues.
- The public would be less skeptical about the concept of neighborhood councils, since the councils are accountable to peer group constituencies.

The negative aspects are:

- Politically ambitious, wealthy candidates, who are more interested in entering politics, than serving the neighborhood, may pursue the seats.
- Individuals with access to substantial levels of campaign funding are more likely to be successful in gaining seats.
- Many residents who are not citizens or not registered, will not be eligible to elect candidates or serve as candidates themselves.
- The development of an equitable formula to determine candidate qualifications will be problematic.
- NCs could become "mini legislatures" which can potentially approve policies and projects to the detriment of the neighborhood being represented and to citywide concerns.

The framework for elected Neighborhood Councils:

- Locally elected membership;
- Specific mandatory or advisory powers;
- Council office with either a minimal, moderate or full level of support staff;
- Formula for interest group representation;
- Budget that is either independent or controlled by a city department;
- Election regulations and criteria for candidate qualification;
- Campaign regulations and elections problems.

a. Campaign Regulations

The Commission has the options of being flexible or structured in the development of NC campaign regulations. This is a difficult determination, since there is limited precedent in the city. In redevelopment political action committee elections, a few candidates do incur a minimal level of campaign related costs. However, the reporting of these expenses is haphazard at best and non-existent in the worst case scenarios. The Commission should consider two alternatives:

- 1) Determine that specific campaign regulations should be adopted within the Charter, or
- 2) Mandate that campaign regulations be established prior to the election process by a specific entity (Ethics Commission, City Department, or another entity).

At minimum the Commission should address the following issues: campaign finance reporting, current ethics laws, basic candidacy criteria, among other subjects. Thus, the Commission would establish the framework for governing the NC election process and define the parameters for the most important aspects of this system without being overly prescriptive.

In relation to ethics issues, state and city law would govern this process. Any direct monetary interest would require that an NC member recuse themselves from participation on a particular issue. If a land use proposal was within 300 feet of property owned by an NC member, they would also abstain from participation in deliberations and any votes related to that matter. If a project is within 2,500 feet of personal property, an NC member would need to contact the City Attorney's office to obtain a determination of the direct financial impact and benefit the proposed project would have to determine whether the benefit is of such a magnitude that the NC member should recuse themselves or vote on the issue (if no major benefit is determined). This level of independent assessment from the City Attorney would be part of the procedures required of NC members in the determination of a conflict of interest in relation to project proposals that either would or may have a direct financial benefit.

The Commission should determine whether or not there is specific language or general recommendations contained in the Charter related to:

- 1) Campaign Finance Reporting
- 2) City Campaign Ethics Regulations
- 3) NC Candidacy Criteria

b. Resolving Election Disputes

This issue may not be deemed essential by the Commission in developing Charter criteria for NCs. However, election disputes, especially during the formative years of this new governance structure, will undoubtedly occur. The issue for the Commission is to determine an arena of negotiation that will render fair and impartial decisions on disputed elections. Currently, the City Clerk's office addresses this dilemma within the framework of normal city elections. One of the most important aspects of current practice is the ability to determine challenges in an expedient fashion to ensure that election and candidacy controversies do not disrupt the timing of elections. The Commission could determine whether to:

- 1) Develop specific language addressing election disputes.
- 2) Recommend that the NC process address this issue during the initial formation stages.
- 3) Defer any recommendation, thus assuming that this issue will be addressed in the future.

2. Appointed Neighborhood Councils

This system would essentially reflect the status quo in relation to how citizens committees and commissions are developed in Los Angeles. A number of current city council offices have created NCs to review policy and develop recommendations on a range of issues. In addition, numerous city council offices have created redevelopment oriented citizen advisory committees over the past three decades. The city has a long history of establishing appointed NCs. However, no NC has ever had mandatory governing powers.

There are a range of alternatives to an appointed NC system. If current practice is adhered to, the appointing authority (the assumption is this will be the city councilperson) has wide discretion in the selection of NC members. The history of this process indicates that a range of interest groups would be represented including local business persons, land owners, homeowners, directors of community based organizations and citizens with personal and political linkage to the council office.

The appointed NC structure could possess mandatory or advisory powers, depending on the perspective of the Elected Charter Reform Commission. However, if mandatory powers are created for appointed NCs, they most likely will be narrowly focused on a few specific governing functions. The appointed model could be structured with either mandatory or advisory powers. While the council office would appear to be the center of local policy and program implementation, NCs have a major influence on locally based projects requiring council approval.

In relation to budgetary issues, the Commission has a range of alternatives, similar to the elected NC discussion. For instance, an advisory NC system could be vested with an independent operating budget.

The charter could establish categories of interest group representation for this model. This model does eliminate the need for campaign and ethics regulations, and eliminates the issues of fund-raising in relation to local representation.

The issues to be addressed in relation to an Appointed Neighborhood Council system are as follows:

- 1) criteria for membership appointment
- 2) specific mandatory or advisory powers
- 3) independent staff vs. reliance on city departments for staff support
- 4) independent budget or limited resources for community analysis
- 5) regulations and criteria for candidate qualification

The positive aspects are:

- Council members would be directly accountable to the appointing authority.
 - Council members would not perceive themselves as competing with city agencies. They would develop linkages to improve local service delivery.
 - Improved opportunity for lower income representation through the appointment process.
 - No issues relating to elections and campaign finance will be required. (Although in its place will be criteria relating to how appointments are made, but such criteria should be considerably less involved than election issues.)

The negative aspects are:

- The NC would not have direct legislative or administrative powers.
- This would be viewed as an extension of the status quo, in which City Government is unwilling to cede any direct governing powers to the neighborhoods.
- The public will perceive the system as an extension of the council office without tangible, independent representation.
- The NC system would appear to be simply another layer of government with less accountability to the public at large.
- The NC would view itself structurally weak in relation to the lack of oversight powers concerning the delivery of government services and city departments.

a. Composition

An appointed council requires the establishment of a practical formula to govern the membership designation process. This process will require candidate qualification criteria (most likely similar to the discussion in the previous section). The Commission will have to determine how to balance the representational demands of competing interests groups. In addition, the Commission will have to address who has authority, singular or joint, to appoint NC members.

An important consideration will be the public perception of the membership criteria and whether it mirrors the status quo, or if it signals a change from current practice. Many neighborhood activists will question whether this format is qualitatively different from the current mayor and city council practice in developing a range of civic volunteer commissions and boards related to city policy. In a real sense, the Commission's structure of an appointed NC format will be a major consideration in relation to the perceived benefit of the Charter Reform movement.

In addressing the last point, the Commission may determine that a specific selection formula will enhance local representation and insure a level of independence that currently does not exist in current practice. The ability to achieve this objective, however, will require a highly specified level of membership criteria. This is a level of detail that the Commission may not deem appropriate, prior to the actual implementation of an NC structure. Neither decision, to support an appointed NC formula and to create specific selection criteria, has a precedent that is situated within the history of this city. Thus, the Commission will have to engage in serious deliberation to ensure that the final determination meets the demands of the neighborhood leadership, a significant constituency strongly supportive of an elected NC structure.

b. Formula for Appointment Criteria

Within an appointed NC structure, the formula for appointment becomes critical and the level of interest group participation could be more inclusive than the elected NC model. In this interpretation, the range of interest groups should include area residents, home owner associations, renters, community based organizations, religious institutions, business groups, civic organizations, environmental groups, block clubs, coordinating councils, redevelopment PAC's, renters, social welfare agencies and local recreational associations. All of these entities are stakeholders in a respective NC area.

The Commission can determine a specific set of membership criteria based on type of affiliation. This is a complicated and complex problem that may be too prescriptive for the Charter. However, the Commission could, at minimum, develop a set of broad categories that are inclusive of the diverse range of interest groups. This strategy would facilitate representation of different interest groups, while allowing future flexibility in defining the level and type of representation on a case by case basis.

The Commission has three basic alternatives in addressing the formula for membership on an appointed NC:

- 1) Develop broad and specific interest group representation;
- 2) Develop four or five categories of interest group representation, for example;
 - a. Home owner and neighborhood associations;
 - b. Business organizations and land owners;
 - c. Civic and community based organizations;
 - d. Social service organizations and coordinating councils;
 - e. Renters and non-affiliated sectors;
- 3) Recommend an inclusive representational orientation to the selection process, however, allow flexibility for each NC and appointing authority to determine a locally based membership formula.

c. Candidate Qualifications

The Commission has the option to develop specific regulations or to recommend a set of minimum criteria for appointees to NC'. In relation to developing interest group categories, a level of detail is essential in defining how individuals would qualify for appointment to a NC. Developing this level of detail is cumbersome and, quite frankly, a negative, political minefield which would interfere with the intention of the NC structure.

The most reasonable alternative is to recommend a range of interest groups that are broad in nature and that would allow every resident or stakeholder the ability to qualify for at minimum one membership category. In this scenario, no resident would be excluded, all interest groups would have ample opportunity to develop prospective candidates and the appointing authority would have an adequate range of selection options to fill membership in the prescribed range of interest groups. In this alternative, each respective interest group would have the opportunity to advocate specific candidates for possible selection.

Attention should also be placed on allowing the participation of non-affiliated NC area residents within this formula.

- 1) Develop a specific level of eligibility criteria.
- 2) Recommend a range of interest groups and provide for flexibility in determining locally-based membership criteria.
- 3) Establish a few broad criteria that is inclusive and allow each NC to determine

membership categories during the initial period of implementation.

d. Authority to Appoint Neighborhood Council Members

If current city government practice is adhered to, the appointing authority would be vested with sole discretion over the NC membership process. This is the historic practice in which most citizen committees and commissions are developed. This alternative vests total power over the determination of range of interest groups and interest group representation in one governmental institution, most likely the councilperson representing a specific NC district.

Another scenario would be to split the appointment process between the council office and the mayor. In this scenario, the council office would be vested with appointing a majority of the NC members and the mayor would appoint a minority of the membership. The percentage relationship would be flexible in the design stage (i.e., within the current debate); however, the Commission would necessarily determine the specific number (or percentage) of members per delegating authority in the Charter.

A third alternative would allow established interest groups to develop the interest group categories. Upon concurrence with the type of interest group categories, area residents would then determine the number of seats per interest group. The community would then select NC membership on a locally based formula.

The major alternatives are:

- 1) Vest all appointment authority with the city council officeholder.
- 2) Split the appointment authority between the council office and the mayor, with the council office vested with a majority of appointments;
- 3) Vest appointment authority with locally based interest groups defined by residents in each respective NC;
- 4) A combination of these alternatives.

B. MANDATORY VS. ADVISORY GOVERNING POWERS

A major challenge to the Charter Reform process is the determination of designating mandatory or advisory powers within the proposed NC system. No decision would have a greater impact on the fabric of governmental decision making and the future of the city, than this one. The central consideration is whether NCs should be vested with mandatory powers. If local representatives are vested with direct governing powers, the system of political relations, city oriented program implementation and public policy will be structurally transformed. Local interests will be essentially vested with significant control over the delivery of services, future land use policy and influence on a wide range of government issues. This change will create a new civic environment that could invigorate the city's political culture.

Currently, virtually all neighborhood based councils are vested with advisory powers. A number of city council offices have been instrumental in establishing neighborhood councils. The NCs provide input on a range of issues, beyond traditional land use considerations. The council office designates all members. Those local NCs with a semblance of structural powers are within the Community Redevelopment Agency (CRA), and are governed by both state and city laws and regulations. However, CRA councils are subject to CRA board and city council governing structures. Thus their powers are not truly mandatory, since their decisions can be, and often are, reversed.

In another context, the question of "advisory" vs. "binding" may be only one of perception. The concept of "advisory" does not necessarily mean "irrelevant." In New York, local Community Planning Boards are deemed "advisory" but with specified matters that they are mandated to review and develop recommendations. In practice, this "advisory" role has evolved into *real* power, since in practice, recommendations by the Community Boards inexorably develop momentum that the elected policy-makers (elected officials) and City departments become loath to ignore. This is not to imply that local Community Planning Board decisions (recommendations) are always followed. However, their initial review and position on issues, the public hearings they conduct, and ultimately, their votes to recommend for or against a range of local and citywide issues often establish the parameters of the ensuing policy debate by the council. According to former Manhattan Borough President Ruth W. Messinger, nearly 80% of the New York Community Planning Board decisions are affirmed by City Council.

1. Mandatory Government Powers

A scenario advocating mandatory powers implies specific governing decision making authority vested within the NC structure. Within this scenario the Charter should specify the precise areas of issues and responsibilities that would be within NC jurisdiction. The Charter could provide the method by which such specified matters would come before the NC, such as requiring certain City Departments to apprise the NC of a pending application, request, proposal, etc. The Charter could provide that before such a City Department was to act on a specified matter, it would have to be considered and/or approved by an NC.

Mandatory powers would create a fundamental change in form and function in relation to the delivery of government services and community based political empowerment. This strategy would closely emulate the original Charter's language on the establishment of boroughs with strong local governing powers. This scenario would vest strong local control over a range of city and public policy issues. This type of system requires a close working relationship between the community, the city council officeholder and city departments. The council office would necessarily defer to (and on occasion lobby) NCs on important local decisions.

The mandatory powers model is an important theme presented in virtually all Commission and Committee public hearings related to this critical issue. Many civic and neighborhood based leaders have advocated for a form of strong local powers over city services and land use powers for over fifteen years. No other U.S. city currently vests NCs with mandatory decision making powers. The Commission would be establishing a major precedent in modern urban policy and neighborhood empowerment, if it decides to vest neighborhood councils with that power.

An inherent issue within the NCs concept is creating another layer of bureaucracy in City government. If an NC is to consider a public policy issue, whether advisory or mandatory, that step will, in and of itself, lengthen the policy and decision making process of city governance. In response to this concern, the Commission could consider methods to shorten the entire process.

A key parallel consideration (to be discussed later in this report) is the requirement for a fair and equitable appeals process in which decisions by NCs can be challenged. The main issues are impartiality and independence.

2. Advisory Government Powers

If NCs are to be advisory, they can either have a specified set of powers in their jurisdiction or function as "ad hoc" community boards providing input on virtually any matter they deem important to their area or want to state a position. The Commission should determine in its initial deliberations whether NCs should be vested with a set of specified responsibilities or assume a flexible approach allowing NCs to determine the areas of city policy and laws that they deem important to their respective areas.

This latter alternative implies a structurally weak system of power sharing, in which local area residents provide opinions, state positions, recommend actions all of which do not possess an embedded governing role within the city. Existing or future departments, commissions and department directors would only respond on a political basis in relation to positions of NCs. The mayor and the city council would be aware of NC positions.

The Charter could provide for a "fixed agenda" for NCs that might include land use,

zoning, parks, cultural affairs and public works projects. However, the NCs role would only be "advisory" - that is, its "deliberation and position" would be considered only a recommendation to the decision-maker, whether it be a manager, elected official, council committee or a range of existing commissions. In this scenario, a zoning matter which affects a particular NC may not be decided, before being considered by the NC, and the NCs "decision" would not be binding on the actual decision-maker.

If the Commission does not deem it necessary to establish a baseline of city related regulations and responsibilities, NCs would have the ability to create a locally based focus over city programs and policy. This alternative, providing wide leeway, would eventually encompass all sectors of city government (however, not necessarily by each separate NC). This could become cumbersome and convoluted, since all aspects of city government could become the focus of one or more NCs. This also would allow NCs to develop recommendations on city programs and policy that are important to their constituency.

The most immediate and obvious criticism of an "advisory" NC is that it would be considered powerless since it could not compel a result in a policy dispute.

However, even if the NCs "powers" were to be considered as "binding" as opposed to advisory, in reality, unless the Charter were to establish the NCs as the final stage in the policy-making process, there would still be, in virtually every instance, an avenue of review or appeal of an NC decision.

3. Combination of Mandatory and Advisory Powers

The Commission could develop an NC structure with both mandatory and advisory powers. This scenario would provide local leaders with a specified level of direct governing powers, in conjunction with policy arenas in which their powers are non-structural. This type of division would necessarily be complicated in relation to the level and type of power vested in NCs. However, NCs would directly be empowered with a range of city policies, projects and programs with strong decision making influence.

A major consideration is whether this type of conflicting powers might be confusing to the public, and thereby reduce the long term credibility of NCs. The determination of specific powers, either determined by the Commission or by NCs at some future period, is a difficult and time consuming process. The matrix of mandatory and advisory powers is virtually endless given the magnitude of city governmental influence.

This scenario is a compromise between interest groups demanding mandatory powers and those only supportive of NCs with advisory powers. Whether the Commission can satisfy these competing interests with partial acknowledgment toward the respective positions is an open question. Staff is prepared to develop a range of scenarios within this alternative if the Commission opts for this compromise recommendation.

4. Charter Alternatives

- a. Mandatory NC powers.
- b. Advisory NC powers.
- c. A combination of advisory and mandatory NC powers.

C. **INTEREST GROUP REPRESENTATION**

The major issue is centered on a formula of representation that addresses four main interest groups: 1) local residents, 2) absentee landowners, 3) local business persons, and 4) civic and social service associations. In addition, criteria on qualification for candidates to a Council seat must be determined. The Commission may determine to either:

- 1) Establish a specific, structured system for representation and candidate qualification.
- 2) Develop a general framework and allow NC to determine these issues once they are empowered.

If an elected system is recommended, the Commission should establish a framework for campaign regulations and resolving election disputes. These two issues can be shifted to the city's Ethic's Commission on an interim basis or a framework can be mandated within the Charter.

The Commission should also determine a structure of representation that is weighted toward area residents with a specified level of representation for individuals (business and landowners, etc.) who interact on a daily basis within a Neighborhood Council area.

1. Formulas for Neighborhood Council Membership

a. Area Residents

The Commission may opt for NCs that are constituted solely with individuals who reside in the district. This alternative would only require a home address as the basic criteria. Both renters and homeowners would be eligible to compete for a NC seat. NC candidacy would not necessarily be based on affiliation with a home owner association or community group. This alternative, while generating strong support from area residents would exclude all other interest groups that have vested interests in the council district, e.g., local business owners who may not

reside in the district.

b. Area Residents, Property Owners

This alternative would provide for direct membership of two major interest groups. Both interest groups would be governed by two related criteria, place of residence and/or property ownership. The issue of absentee land owners could be mitigated by developing a formula of representation that is weighted to insuring a majority of council members are area residents. This majority could be 50% plus one, 60% or 70% dependent upon the Commission's sense of equity. The key consideration is balancing the representational demands of area residents versus consideration for land owners directly impacted by NC policy and land use oriented decisions (if this is a power ceded to the council system).

c. Area Residents, Property Owners, Local Business Persons, and Civic and Social Service Associations

This alternative would provide for direct membership for all key interest groups within a council district. There would be three mandatory criteria for eligibility, residence, land ownership and business location in the district. While all three interest groups would be represented, as with the previous alternative a formula of representation should be weighted toward area residents. The Commission should determine an equitable system based on the following range of representation by percent per interest group.

Area Residents	50% to 75%
Property Owners	5% to 15%
Business Owners	5% to 15%
Civic & Social Service	5% to 15%

While the Commission has the discretion to create a wide range of representational formulas, particular attention should be oriented to the interests of area residents in relation to other interest groups. This is not a decision that has inherent guidelines. The Commission should deliberate within the context of fairness and equity for competing interest groups that have compelling claims for influence in an NC jurisdiction.

2. Charter Alternatives

a. Area Residents

b. Area Residents and Property Owners

c. Area Residents, Property Owners, Local Business Persons, and Civic and Social

Associations

3. In relation to a Representational Formula

- 1. Establish a Level of Representation by Percentage by Interest Group**
- 2. Allow NCs to Determine Interest Group Representation**