

MEMORANDUM

To: Members of Committee on More Responsive Government
cc: Members of *Elected* L.A. Charter Reform Comm'n

From: *WEW* William E. Weinberger

Date: May 4, 1998

Re: Report on Establishing Neighborhood Council Districts

The hearings and deliberations of the Committee on a More Responsive Government on neighborhood councils have been valuable, productive and balanced. I want to commend the Committee's consultant and staff for producing the above-referenced report, which reflects much hard work, research and drafting in explaining the many issues raised concerning this topic. However, having reviewed two prior drafts and now the final version of the above-referenced report, I feel compelled to express concern over what I view as a lack of balance and depth in the report's analysis of the issues that must be addressed in our determination of what provisions regarding neighborhood councils to include in a reformed City Charter.

Although the report contains much valuable discussion concerning the issues raised by neighborhood councils, it is incomplete and, at times, contains conclusions that are based upon unfounded assumptions and opinions that are not reflective of the views expressed by the Committee. Consequently, on some of the issues, the report does not provide a balanced and comprehensive explanation of the range of choices available for Commission deliberation. I have previously expressed this concern to the Committee consultant, and now feel it is important to explain these concerns to the Committee and the rest of the Commission.

Some of the portions of the report that appear unbalanced or unfounded are as follows:

1. The "Major Charter Reform Policy Alternatives" concerning neighborhood councils (on pages 4 to 5) artificially divide the range of possibilities into three options. As I mentioned during our Committee deliberations, "Alternative One," which is to "implement a neighborhood council system within the framework of a new Charter," could include provisions that would permit each neighborhood or community to

determine for itself whether it wanted to have a neighborhood council, but this latter approach is designated as a separate "Alternative Three".

2. The discussion on "Elected vs. Appointed Neighborhood Council Models" includes a description of the "positive" and "negative" aspects of each model, but some of the judgments on what is negative or positive are based upon unstated (and in some cases unfounded) assumptions. For example, the report states, as a positive aspect of elected NCs, that "Elected councils will be fundamentally independent from City Council control." But it is possible that an elected NC will be beholden to a City Councilmember, depending upon how the NC members are elected; moreover, it may be equally true that appointed NCs will be independent from City Council control, depending on how appointed NCs are appointed.

Similarly, I do not think it is a given that the "public would be less skeptical" of elected NCs than of appointed NCs. The public's view will depend upon how the NCs are either elected or appointed.

3. I question the accuracy of the statement on page 9, "This system [of appointed NCs] would essentially reflect the status quo in relation to how citizens committees and commissions are developed in Los Angeles." Whether NCs are appointed or elected, they could reflect a radical departure from the way Los Angeles has been governed. And there are ways in which NCs could be appointed that also could be very different from the way that citizens commissions and committees are currently appointed.

The discussion on page 9 of the various ways in which appointed NCs could be appointed does not mention the alternative of authorizing various interest groups in communities to appoint their own members to NCs. Whether or not the Commission wishes to adopt this alternative, the Committee's report should be balanced and comprehensive in its approach.

4. The enumeration of the "negative aspects" of appointed NCs (on page 10 of the report) is unbalanced and based upon unfounded assumptions. The first statement, "The NC would not have direct legislative or administrative powers," is *not* a necessary consequence of choosing to establish appointed (as opposed to elected) NCs; a reformed Charter could grant appointed NCs the same administrative powers that it might grant elected NCs.

Three of the other "negative aspects" of appointed NCs also represent slanted and unfounded conclusions. Thus, it is not necessarily true that appointed NCs "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." And it is not necessarily true that the "public will perceive the system as an extension of the council office without tangible, independent representation." Certainly if some authority other than the City Council appoints NCs, and the Charter grants the NCs significant powers, the public perception described in the report would not result. Likewise, it is not necessarily true that the "NC would view itself structurally weak in relation to the lack of oversight powers concerning the delivery of government services and city departments." Again, this conclusion is based upon unfounded and unstated assumptions, *i.e.*, that the reformed Charter would not grant appointed NCs sufficient oversight powers concerning government services and city departments, *or*, conversely, that a reformed Charter *would* necessarily grant elected NCs sufficient powers.

5. I am not sure what the statement (on page 15), "The mandatory powers model is an important theme presented in virtually all Commission and Committee public hearings related to this critical issue," means. If it means that at virtually all Commission and Committee public hearings, the unanimous view was that NCs must be granted mandatory powers, the statement is inaccurate. In at least one Committee hearing, in the Harbor Gateway area, virtually all of the constituents who spoke expressed serious misgivings about granting mandatory decision-making authority to NCs.

6. In part D, "Neighborhood Council Budget," on page 20, the report, in an aside, states, ". . . in all cases NCs should have direct decision making authority over budget priorities." This is a conclusion that the Committee *never* voted on, and it does not belong in a report that is supposed to describe alternatives to the Commission.

7. The same section (on pages 20 and 23), in describing various alternatives for NC budgets, fails to describe one NC budget alternative that is used in other cities – permitting NCs to raise funds themselves, either by establishing themselves as 501(c)(3) organizations or by some other means. Again, whether or not the Commission decides to choose this alternative, the report should have presented this approach.

8. The report makes the statement (on page 24), "The expectation is that NCs will be vested with important land use decision making powers, especially on issues that are locally oriented." But the report fails to state *who* has that expectation; it is nothing that the Commission or the Committee has yet voted on; it is not something that the focus groups were unanimous on. It is another unfounded opinion that does not belong in a balanced report.

9. The discussion of an "Equitable Appeals Process" on pages 31 and 32 of the report omits a significant procedural alternative for NCs that would eliminate the necessity of an "appeals" process. The new Charter could provide that, for some issues, NCs must be consulted and their decisions will be communicated to the next level of decision-making; in New York City, where this procedure is used in land use issues, NCs carry considerable weight, even if they are not the final arbiters of any land use issue. Again, whether or not the Commission will ultimately adopt this alternative, the report should have described it in this section.

10. The statement in the section on "The Number of Neighborhood Councils," on page 33, to wit, "If the neighborhood councils are vested with direct powers, the anticipation of increased public [sic] participation should become a reality," is not a foregone conclusion. What if NCs are given important decision-making authority, and public participation does *not* increase?

11. The statement, again on page 33, "If Los Angeles remains the least represented city per capita in the country and then to define neighborhoods to encompass mid-sized city-level populations could be labeled disingenuous at best, cynical at worst," is an unfair and unfounded opinion that has no place in a balanced report to the Commission. The following statement, "Certainly, it is not what the engaged public would consider as bringing city government closer to Los Angeles residents," also reflects an opinion of the public's views that is not based in fact. A more productive discussion would reflect the issues that need to be balanced in establishing neighborhood councils -- issues of improving representation and accountability, as well as governmental efficiency, cost, and coordination and management.

12. The "Charter Alternatives" relating to the number of NC districts, listed on page 35, omits a significant alternative, that is, authorizing neighborhoods or communities to determine for themselves how they would like to constitute themselves into NCs.