

Bennett:

I had a sleepless night following your commission meeting on Saturday (5-30-98). I began to realize the monumental task that lies ahead as your committee and the commission begin to design a new governmental structure.

Let me share with you some of my thoughts as I promised you I would do. And I will share them with the Councilman on Monday.

As I stepped back from what had happened, it became apparent that the commission wasn't casting tentative votes to create a system of neighborhood councils, but rather to create another layer of elected officials inside the representative part of our democracy.

Therefore, it is more important than ever before that the Charter package include the participatory element that is woefully missing in our city.

As the commission's proposal is taking shape, it appears that it should be called, as your committee suggested, "community councils." Semantics has become important, as you noted while we were in Portland, because everyone appears to be taking their proposals and labeling them "neighborhood councils." For the purpose of this discussion, let's retire that term. We'll call the groups in the participatory democracy plan "neighborhood associations" in honor of Portland's model program.

Because it appears that the community councils plan appears that it will be centered around leaders who are elected at the polls, and who will have certain decision-making powers, a number of questions arise that probably haven't yet even been identified.

As the commission begins to assign them more powers and responsibilities, we must continually ask ourselves what it is that will distinguish these community councils from the City Council. If the difference isn't great enough, I'm afraid that the public will view the plan, perhaps properly, as just the creation of more politicians. And we know how the public feels about politicians collectively. Before deciding whether or not to vote, and then how to vote, each voter will ask themselves one basic question: "How will this affect my life?" And if they perceive that it won't make any difference because, for example, they're just being asked to pay for more politicians, it will probably fail. Your commission secretary is an experienced political strategist. Ask him how he would attack the package if that were his job.

Initially, the commission was going to require the community councils to produce annual budgetary priorities for their communities, but that was amended to give them the right to provide such lists, and require the Mayor to include their communications in his budget documents. Of course, this is a right that they or any other group already has. What's missing is the staff, the training, and the access to the system to develop such lists, whether they are required by Charter or not. Requiring the Mayor to include the communications in his budget is a fine idea, but that's probably as far as it will go. Again, what's missing is that the communities need the "muscle" and the influence of the other interest groups that shape the budget. The goal should be to get their recommendations, not just their communications,

into the budget. In essence, the communities won't be a "squeaky enough wheel" to have an impact unless we significantly change the system to create a system of strong neighborhood advocates who know how to get things done.

Will the community council leaders be full-time and paid, or part-time and volunteer? If they are part-time, the pool of possible candidates gets very narrow. It would be like our current commission system. Only those special people who can devote an enormous amount of time to all the work that needs to be done, would run.

Will they have staff, an office, and an office budget? As formally-elected officials, they will become part of the City Hall system, and that means plenty of responsibilities. Aside from handling all the planning and land use issues, if they are given that responsibility by the commission, it appears that they will have to make decisions on capital improvement and other unspecified spending issues. They may get involved in voting on certain permits. And they will have advisory ability over all the other city issues such as ordinances.

Ask any City Council office how much time and staff they spend tracking and understanding these issues, along with people to answer the telephones, open the mail, respond to the mail, and to set meetings with all the interest groups, especially on the planning issues. As elected officials, they will each have constituents, and they cannot be ignored. And they will also have people who were responsible for their election to office, and they won't be ignored.

It will be like creating another City Council system.

At this point, we don't know how many community councils would be created, nor how many members would be elected to each. Let's assume that 35 community councils are created, and that each one elects five members by districts. If I understand the City Attorney correctly, if two or more community councils were to ever vote on the same issue, the Voting Rights Act would require that the districts of each community council be equal in population. That would mean that we couldn't use community planning districts, or other boundaries that respected neighborhoods. If the community councils were only to make formal decisions on issues that were solely within their boundaries, the size of each community council area could be different, but that would mean that the larger areas might complain of unequal representation. For instance, I think that the size of community planning districts range from about 40,000 to 273,000. If there were resources allocated, such as for staff, that amount could be adjusted proportionately, but if the plan is to use part-time representatives with little or no staff, there would be nothing to proportion. If the community council areas were to be created with unequal populations, it might be illegal for them to meet together on a common issue over which they have decision-making power. An example might be where a large development is planned near the border of two community council areas. One community would be the site of the building, and the other community would suffer from the congestion and noise.

If the boundaries are drawn under the requirements of the Voting Rights Act, there is an excellent chance that some communities would be split (the Van Nuys problem), and that some people's

communities would change at least every 10 years when the boundaries must be changed. They could be changed more often as the result of litigation, the wish of the City Council, or if the new Charter were to require changes in the size of the City Council based upon changes in the city's population. That would mean that at least every 10 years some people would be moved from one community to another without ever leaving their homes. The local park over which they might have had some funding authority wouldn't be their local park anymore.

Continuing with this assumption, 35 areas of 100,000 people each isn't, by any stretch of the imagination, a "neighborhood." Even if those areas were divided by into five districts of 20,000 each, we're barely getting to neighborhood size. The experts suggest that a neighborhood is generally between 5,000 and 10,000. And since those smallest areas in the community council plan would be represented by just one elected person, and not a council of people, the ability to reach into and truly empower the neighborhoods, the blocks, and the individuals, becomes very questionable. How many community and City Hall meetings can one community council representative attend who probably holds a full-time job? When will they find time to read the all the paperwork, the EIRs, the proposed ordinances; meet with developers and the homeowners; be the voice of their community before the City Council and its committees; organize community events such as tree plantings; organize their community into small neighborhood units; train the residents in empowerment; and do all the things that traditional neighborhood councils do to make their areas more self-sufficient and empowered?

The answer is that part-time people can't do all this. So they will either need staff and equipment to help them do it, and thereby become very much like the City Council itself. Or we will have to trust that the newly-elected leaders will have the wisdom to make the correct decisions without the means to understand all the information, and to connect with the grassroots in their community.

If the Charter were to require that these 175 new elected officials be given the staff and resources, and perhaps be full-time paid city employees, what ensures that they will use it for the purposes of community empowerment -- the basic goal of any neighborhood council system? Since they would have been elected by only registered voters in their area, there is a risk that they might not feel motivated to involve, communicate with, and empower those who played no part in their election. That would include individuals or groups who voted against them or wouldn't contribute to their campaigns or Officeholder accounts, business owners, absentee landlords, non-profit service agencies, anyone under 18 years of age, and those who aren't registered to vote either because they choose not to or they can't. The system would then exclude many people who play an active participatory role in the neighborhood councils in other cities because they want to improve their neighborhood because they can do so on an equal basis with everyone else with whom they share a neighborhood. The appointment process only maintains the status quo. It is dependent upon who is doing the appointing. If it's the council members, and we know that some of them don't want any form of neighborhood councils, we certainly won't have a citywide system of neighborhood empowerment.

By its nature, the electoral process is one that is fractionalized. It is designed to produce winners and losers. That's OK for choosing elected representatives. Somebody is in power, and somebody else is out of power. And we cannot lose sight of the possibility that control could shift back and forth at each

election between “no growth” groups and groups that have never seen a project they didn’t like. I often feel the need to caution homeowner associations that the construction trades know how to campaign too.

But a system of participatory democracy requires a self-selection system because it can ensure that all the interests in the neighborhood are represented, and it can give them the skills and resources to effectively represent those interests. Therefore it becomes a system that produces only winners.

James Madison recognized the fractionalization problem, and that’s one reason why the U.S. Constitution provides for a balance of powers. The problem in Los Angeles is that we don’t have such a balance of the powerful in our participatory system. Special interest groups, more often than not, are so well prepared that they know exactly how the City Council or a committee will vote before the public ever get a chance to speak. Public hearings are often a cruel hoax. Visitors often complain that the council members are never paying attention when the public is speaking. The reason often is that they made up their minds before they walked into the meeting. If that power were balanced, the City of Los Angeles would give the neighborhoods the money for the resources that they need to become an equally effective force at City Hall.

An effective participatory system needs good community organizers and the ability to communicate, verbally, in print, and electronically. As elected officials, the community council leaders would be subject to the same State laws that restrict the activities of city council members. One of those is that unsolicited mass mailings of 200 or more pieces can’t be mailed at government expense each month, with a couple of exceptions. That would increase the difficulty of the elected officials to get information to, and receive information, from their constituents. And when the elected officials are within one year of their re-election, and then after they have filed their notices to run, the restrictions increase. A self-selected neighborhood association with no decision-making powers wouldn’t have those problems.

As elected city officials and formal city bodies, they would need some amount of city staff support. Additional employees might have to be added to the City Clerk, City Planning Department, and City Attorney’s Office to name just the most obvious ones.

The elections will cost money, however the commission should explore the cost-saving measure of voting by mail.

Your committee discussed the possibility of also creating a new system of appeals boards that I believe would exist between the community councils and the existing city bodies that would make the final decisions. Again, you will have to address all those same issues of staffing, cost, and responsibility.

The people who have power don’t like to share it. Yes, this City Council or any future one could create this missing participatory part of our system, but as long as the City Council continues to be the seat of so much of the power, there is always the fear that they would never create a meaningful one, or that a future City Council may dissolve whatever was created by an enlightened City Council. The purpose of including in the Charter reform package, the creation of a Department of Neighborhoods with the goal

of creating and supporting a meaningful system participatory democracy and maximum public participation in that system, is so the residents of Los Angeles would be guaranteed that it would be there as long as they, the people, wanted it to be there. The experience in other cities has been that the more successful the system is, the greater the possibility that a future City Council or Mayor will try to dissolve it.

As it is being shaped, the community council system alone doesn't empower neighborhoods to do anything, because the system doesn't reach down to a small enough level in a meaningful way. The neighborhoods won't be able to define their own boundaries or choose their own leaders. If there are ever to be small neighborhood units created, newsletters published, communications systems established, community meetings organized, volunteers found for the city's many advisory committees, etc. the funds to do so will be controlled by elected city officials.

And it appears that the final decision on all or many issues will still be made by the Planning Commission and/or City Council and Mayor. So without an effective empowerment of the neighborhoods as advocates, final decisions will continue to be made in the same manner as they are now, which excludes the neighborhoods in most cases.

It is my hope that in your committee and in future commission meetings, that there can be open and honest discussions about who it is that is providing public input, what they want, and why they want it. We must always remember that those faces in the audience are not those of ordinary people. Where's the truck driver, the welfare parents, the owner of the local bakery, the bank teller, the single parent, the office secretary, the plumber, the store clerk, and everyone's next door neighbor. This issue is still far too complicated for them. Almost without exception you're hearing from people or groups with narrow special interests, and they're even having trouble understanding everything.

In the same way that everyone has their own opinion of what neighborhood councils should be, everyone seems to have a different opinion of what the people in the focus groups said. Following his presentation at the meeting of the commission in San Pedro, I spoke to Richard Maullin. I told him of this observation, and said that my interpretation was that everybody had a different opinion, that those opinions might change dramatically once more details were known; and that there wasn't a single dominant conclusion that could be gleaned from the focus groups. He agreed. I then asked him about our idea to require the City to give the neighborhoods the money and the system to select their own leaders, set their own boundaries, choose their own issues, and to essentially become neighborhood lobbyists. With a gleam in his eye, he said that would be a truly radical proposal. I took his words and tone to mean that it would be a plan that would truly fundamentally change the way our government makes decisions.

In the mid-1970's, HUD demanded that cities include public participation efforts in deciding how their grant money should be spent. Some cities chose to promote maximum citizen participation, so they empowered the neighborhoods through neighborhood councils systems. Los Angeles, and most other cities, did the minimum. We'd post some notices on the library bulletin board, do a small mailing, hold a meeting at 2 p.m. in City Hall, listen to a handful of people, and call it public participation. To this day,

our system of public participation is an embarrassment. If you wanted examples I could start with the new sports arena project, and talk non-stop for days. It's as if we consciously try to exclude the public. As a result, we see the public expressing its dissatisfaction in the only ways it knows: enacting tax limitation measures, term limits laws, and maybe now secession movements. Consider the possibility of giving the neighborhoods the same power to influence decision-making as those who have the strongest influence right now. Let's level the playing field and make a real difference.

The bottom line, I guess, is that we have to decide where to put the major burden of making our city government responsive to the public. The choices seem to be: the City Council, the Mayor, the charter commissions, or the public. Maybe I've been reading too much Jefferson, but I tend to trust the public's abilities more. We've got to get back to trusting "government from the bottom up."

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