

Elected Charter Commission Meeting, Oct 19, 1998

More than 60 people spoke. One of the Latino redistricting groups broke with MALDEF and favored a City Council larger than 15. Somebody turned out the non-profits who all found fault with the formally-elected models either because they would be excluded or because it would promote NIMBYism and halt things like low-income housing.

Weinberger: Every proposal the task force considered included a Dept of Neighborhoods; a review after 5 years; monitoring of service delivery; and the ability to make recommendations on any issues of which they don't have any formal authority. Task force approved the participatory (Wachs) plan 4-0 with some modifications. Task force felt the commission must keep its focus on empowerment.

Kayser: Explained his plan. Suggested amended his plan from 11 members for each area to 7, and changing to three 2-year terms. All decisions can be overridden by City Council by 2/3rds vote. Proportional voting to be used. Create a DON as recommended in the Wachs plan.

Glushon: Explained Toronto model. Formally-elected with no final authority.

Boland: Her 12th district advisory committee favors elected and a larger City Council -- at least 19. Need assurances that there will be a carrot & stick so local councils will have a reason to approve developments. Must be incentives for them to make business-like decisions.

Pacheco: Not convinced that people want development in one neighborhood at the expense of another. They want power. Should decentralize the planning process. Should elect 7 to 9 people to make local planning decisions. All decisions go the City Council. Undecided on size of City Council.

Zine: Cost is a big concern. Delivery of services is real issue, not larger City Council. Community should decide what they want. Can have a win-win. Support giving City Council the ability to give power to communities. Homeowners have been ignored. The one with the strongest lobbyists win. Don't want more taxes and more layers of bureaucracy.

Widom: Favor participatory approach, and appointed regional planning commissions. Minimum 5 areas throughout city. Larger City Council is needed. Proposed 35 a long time ago, but not hung up on 35. Cost isn't an issue. Quality of service is.

Finn: Must have community relevant boundaries. Uniform service delivery districts sounds good. Everyone should be represented, so favor non-elected. NIMBYism is a problem. Her whole life has been devoted to non-profits. Sensitive to their concerns. Impressed with the Toronto plan.

Chemerinsky: Need a compromise. Favors 5 regional planning commissions with City Council override with 2/3rds vote. Citywide issues to City Planning Commission. Oppose letting neighborhoods keep financial benefits. Unfair to areas that don't have much development. That would cause him to oppose whole charter package. Favor elected NCs. Appointed is no good. Problem with participatory is that

someone could get their friends together and get elected too easily. In a formally-elected system, everyone can participate, but they just can't all run. Should have decision-making powers over some services. Propose including Wachs plan in main body of charter, and having separate amendment for elected. Also favor 15 council members in main body, and separate amendment for 25.

Weinberger: Support Wachs plan. Favor increase in City Council to favor minorities and protect neighborhoods. Maybe 25. Empowerment can't be accomplished with one size fits all for the city. Must be flexible. Elected models do nothing to promote community organizing. OK with elected, but not if they have land use authority. There hasn't been a good definition of what is a local land use issue. Wachs model is the way to go.

Glushon: There is a deep division on the elected models within both homeowners and labor groups. The problem is the public's discontent with City Hall. Need better accountability. More council members doesn't change this if the decision-making system stays the same. Toronto model will bring City Hall closer to the people. Participatory model is needed to increase participation. Look at the NCs that are working around the city -- 8th District, South Robertson, Brentwood and Palisades community councils, and in other cities.

Dupont-Walker: Heads a non-profit. Have lived with the problems of NIMBYism. Shouldn't have NCs if they're going to be controlled by NIMBYs. Need to know how different models will improve delivery of services.

Castaneda: Favor elected NCs. Should have decision-making power over quality of life issues with appeals to City Council. Not appointed. Support increase in City Council to 25.

Kayser: Need 25 council districts. Elected and participatory can co-exist. Participatory could be in place now if City Council got off its duff. Need DON to support participatory and elected. Don't use City Council district boundaries. Hurts communities. He has lived in 4 different City Council districts without leaving his home.

Hahn: Strongly need elected with decision-making powers over land use. Concerned about concerns of the non-profits. Sits on 5 non-profit boards. Need to discuss this more. Already given mayor more power, now need to give power to the people.

Romero: More isn't better regarding City Council size. It's about representing the diversity of interests, and the delivery of services. Favor 15 council members. Might accept 19. Concerned about cost. NCs should be self-selected, not formally-elected. No decision-making authority over land use. Impressed by comments of Father Baccus (sp?) from CD1 would didn't want churches and others left out. Impressed by 8th District congresses.

Fleming: Like 8th District congresses. If formally-elected, the people who have the money to put up candidates will win. For instance, his neighborhoods would never be able to run. Formal power should remain with mayor and City Council. Totally opposed to anything but 15 council districts. No plans to

increase size are to the advantage of the African-American community. If Council is enlarged, he=ll fight to the death to defeat it.

Chemerinsky: Increasing City Council to 25 is on the table (task force recommendation.)

Boland: Doesn=t want any bifrocation of charter. Just one amendment on the ballot.

Widom: MOTION: Base charter amendment to include 15, separate amendment for 25. Kayser second.

Glushon: Should give the voters a choice. 15 is not working now. Base should be 19 revenue neutral. (Chemerinsky ruled that they can=t accept a motion to amend right now.)

Hahn: Need separate measures for council size and elected NCs.

Chemerinsky: He represented NAACP in previous redistricting battle. Agrees with Fajardo study. Larger number than 21 or 25 might be hard to sell to public. Main should be 15; separate 25.

Fleming: South Central wants 15.

Romero: Opposed to 25.

Widom: Change MOTION to 15 in base and a number to be determined before the end of this meeting in separate measure. Hahn second.

VOTE on 15 + to be determined. 10-3. (Zine out of room. Boland walked. Archie-Hudson absent for the day.)

VOTE on 25 for separate measure. 9-3.

Weinberger: Concerned about whether or not can have a requirement that the separate measures must receive same or greater plurality as base measure if they are to be approved.

City Atty: Will give written opinion.

Zine: I was in restroom and wanted to vote yes.

Chemerinsky: On to task force recommendations on NCs.

Weinberger: Create DON and guarantee funding like we do with Ethics Commission.

Romero: How much does Ethics Commission cost? (While discussion continued I was getting Glushon the Wachs proposal which explained that we had proposed only using the method of guaranteeing

funding like the Ethics Commission does. I.e., require the city to fund them, and spell out their duties and responsibilities. The task force staff didn't use our laundry list of duties, but included it as an attachment that apparently nobody read. Glushon then explained this to the commission. In the meantime, staff was answering the cost question by citing the old CLA/CAO report pegging the annual costs at about \$2.3M.)

VOTE: 13-0.

Weinberger: Task force recommended review 5 years after implementation.

Dupont-Walker: Can't wait 5 years.

Weinberger: Controller could do performance audits more often. This calls for review of how whole NC system is working at least every five years.

Task Force Staff: DON could do their own review as often as they wanted.

Hahn: How do these people get on the review commission?

VOTE: Review commission to be made up of 1/3rd by Mayor; 1/3rd by City Council; 1/3rd by community councils. 13-0.

Weinberger: Task force recommended an early warning ordinance. (The commission decided to hold off on this issue, and press on to the more meaty issues.)

Weinberger: Described participatory model.

Chemerinsky: Commission favored, in concept, elected with decision-making months ago. Does the proposal for participatory conflict with that?

Weinberger: No.

Glushon: It's a misconception that we have to choose between the two. Can have both. Every person that spoke before the task force and favored elected also supported the participatory as well. Absolutely essential to find a way to bring people together.

Boland: Who would oversee these self-selected people? Who's running the store? How large would they be? Major issue is keeping City Council at 15. There are no dollars for a bifurcated charter.

Widom: MOTION: Put participatory model in base charter, and have alternative for elected. If elected wins, it supercedes participatory.

Dupont-Walker: Communities should be able to choose own priorities. In participatory model, PACs

and other existing groups can be included. Why do we need a commission for the DON? (I sent her a copy of the Wachs proposal showing that the commission would only exist to certify the NCs.)

Chemerinsky: Support Widom motion.

Hahn: Putting both on ballot would confuse voters.

Weinberger: Pointed out that if elected replaced participatory, they would have trouble sending newsletters, doing community organizing, lobbying, etc.

Kayser: If we have just participatory, some parts of the city either won't be covered, or they will have something forced upon them by the DON, and that's not community empowerment. Agreed with Glushon that there's room for both.

Glushon: One size can't fit all. Listen to Cisneros. Community empowerment is not City Hall dictating how everything is done. Listen to Wachs.

Widom: This is an opportunity for healing. Allow bifurcation.

Pacheco: Against the motion. Want participatory. Favor self-selected. Only want elected if they can have land use authority.

Boland: Under participatory, would illegal aliens be allowed to participate? (Groans from audience.)

Widom: Illegal is illegal. That's not our problem.

Romero/Pacheco: We're not going to check green cards at the door any more than we check them before people come to speak to us here.

VOTE: Failed 7-7. No=Hahn, Kayser, Castaneda, Dupont-Walker, Zine, Boland, Pacheco.

Pacheco: Wants to propose a vote on participatory alone.

Chemerinsky: How does this affect elected models?

Pacheco: It doesn't. Want participatory in main part of charter. MOTION to reconsider previous commission votes (from months ago) to have a formally-elected system. Finn second.

Kayser: Vote no.

Boland: Opposed to any bifurcation.

Pacheco: Withdraws motion.

Kayser: MOTION to adopt his plan.

Weinberger: It's fraught with problems like the bad definition of local land use issues. Promotes NIMBYism.

Chemerinsky: It's a thoughtful plan, but have to oppose. Creating 280 new politicians is just too much.

Romero: Oppose. It's political blubber and NIMBYism. Believe in participatory.

Kayser: Charge that many of these new officials would live so close to projects that they'd have constant conflicts of interest has been overstated as a problem. Tried the carrot and stick approach by suggesting that the community councils could enter into development agreements which would bring revenue into their areas, but City Atty discouraged him. No one has better definition of local land use issues.

VOTE: 4-10 (Yes=Pacheco, Castaneda, Kayser, Hahn)

Widom: MOTION for 5 regional planning commissions; appointed; appealable to City Council.

Glushon: Let's table it. Will support, but need to get on with other votes on NC issue. Hahn second.

VOTE to table: 8-6.

Pacheco: MOTION for concept of elected NCs along City Council district lines with land use authority. Details to follow.

Dupont-Walker: Can't impose cookie-cutter solutions for entire city.

Widom: No

Boland: No. Need carrot-stick.

VOTE: 5-9.

Everything else continued to meeting next Monday.