

Elected Charter Commission Meeting
October 26, 1998

Romero and Archie-Hudson absent.

Chemerinsky wanted to start with the 7-7 Widom motion from the last meeting that called for putting the participatory plan in the base charter, and placing an alternative measure on the ballot which would allow the participatory plan to be replaced with an elected one. Details to follow later in the meeting.

Boland: We don't have any information at all. Don't bifurcate. Commission staff was never asked to study the CD12 plan. Need decision-making with economic growth incentives (carrot-stick) to fight NIMBYism. Cisneros told her he favored elected with carrot-stick.

Widom: Never said I favored elected. Never did and don't now. Cisneros never spoke for elected councils.

Glushon: Still supports the motion from last week. LABA doesn't control this commission. Burt Boeckman opposes elected. Because there's a deep division of opinion, it should be on the ballot.

Kayser: Need local control over land use. Community should elect these people. Oppose the motion. He has a new motion he'll propose.

Pacheco: Chet and Rob responded to Paula the way I would have. Will support the motion now. Want to move along.

Chemerinsky: Sole issue is how to select the members. Favor elected. Election is the way to select officeholders. Favor motion. If only elected model was in Charter, the Charter would fail. This is good compromise. This is best way to get NCs in Charter.

Dupont-Walker: Spent 4 hours today talking to Empowerment Congress. They like their model. They aren't powerless. Favor Wachs plan. One plan doesn't work for all. Will support motion. Mr. Nelson said NCs could elect their own leaders in whichever way they choose.

Zine: Against this motion last week. Will support if includes land use plus other authority. Must compromise. Elected system just adds another layer of bureaucracy.

Weinberger: Prefer participatory model alone. Permits communities to empower themselves. Will support motion.

Finn: We're lucky to have such a precious democracy.

Castadedo left.

VOTE: 8-4 (No=Fleming, Boland, Hahn, Kayser)

Fleming: I voted no because I think this will lead to contracting out.

Kayser: MOTION for the elected model. Front end land use authority over variances and CUPs, except for projects by non-profits, government, and anything over 40K sq. ft.; elected 7 members at large from as many districts as there are city council districts; limited voting (i.e., each voter votes for three candidates, and top 7 are elected); vacancies appointed by Mayor; staffing provided; they will work with Dept of Neighborhoods; 5-year review; 25% of tax increment from development stays with community council (CC); small percentage of city budget distributed evenly by DON to each CC; can support matching outreach grants for non-profits.

Dupont-Walker: Hard to consider. Just hearing it for the first time. Only permits electors to run and vote.

Weinberger: What are discretionary funds for non-profits?

Kayser: Money to allow non-profits to seek new membership.

Weinberger: I don=t get it.

Kayser: For instance, in case they needed money to do outreach to find tenants for senior housing projects. Call them public awareness grants.

Glushon: Concerned about vacancies being filled by mayor. These districts are so big that lots of distinct communities are contained within them.

Chemerinsky: Oppose motion. Should take each question separately, and not vote on whole package. This carrot-stick would cripple the city.

Kayser: This would give the councils 25% of tax increment from projects they approve, not from all development.

Chemerinsky: There=s no sense of how much money would be involved. Reluctant. It=s a blank check. Grave concerns over treatment of non-profits. Constitutional problems. State constitutional prohibits giving money to private organizations.

Zine: Staff should come back to use with recommendations.

Weinberger: Will vote no. Too complicated. Favor the elected model recommended by task force (the Toronto model.)

Hahn: Need something simpler. Confident voters will support elected, but not if too complicated.

Glushon: Suggest (1) discretionary authority over an amount equal to 1% of city budget, with an equal amount going to each district, (2) front end land use authority as described earlier, (3) other powers as delegated by City Council.

Boland: Bennett is articulating what we've been talking about. Carrot-stick need to be clarified.

Weinberger: Concerned about exemptions for non-profits. What's the difference between a non-profit medical center and a for-profit medical center.

Kayser: Discretionary authority shouldn't be more than 5% of city's budget.

Chemerinsky: Need to break up into issue areas.

Boland: MOTION to table for one week. Need a position for the upcoming convention. Let's see if there's consensus.

Chemerinsky: Strongly oppose motion to table. Staff won't find out anything new.

VOTE to table failed.

MOTION to take up Kayser proposal as a package.

City Attorney (Claudia Culling): Using 40K sq. ft. is a site plan review threshold, but size isn't the only issue. Can't exempt non-profit projects on the basis of ownership. Could exempt sensitive uses.

Glushon: Exempt sensitive issues by ordinance?

Culling: Yes.

Kayser: Strike exemptions for non-profits. Insert exemptions for sensitive issue uses. Strike giving funds to non-profits. Mayor replaces vacancies with approval of community councils.

Dupont-Walker: What about areas that have redevelopment areas and already set to get incremental money?

Kayser: Incentives are already there through enterprise zones and redevelopment project areas.

Boland: I'm still confused about how carrot-stick will work.

Kayser: We could tax incremental dollars and put them into a fund that the DON would distribute to all CCs.

Boland: That defeats purpose of carrot-stick.

Hahn: I'm confused. Let's go through each item one at a time.

VOTE on Kayser package 2-9.

Fleming left.

Chemerinsky: Let's take them one issue at a time. First is how many community council districts. The proposal is for the same number as there are city council districts.

VOTE: 9-1 (No=Hahn)

Hahn: Districts are too big to represent communities.

Chemerinsky: How many members each? Proposal is 7.

VOTE: 11-0.

Chemerinsky: How are they elected? Proposal is at large. Each voter votes for one. Top 7 are elected.

Widom: Troubled by this. Less democratic.

Chemerinsky: No. Want sub-districts. That's the goal of NCs.

City Attorney (Tony Alperin): Can't say that this plan violates Voting Rights Act, but it does raise serious questions that might only be answered by demographers. Using sub-districts would be safer. There would be questions even if there were 25 districts.

Pacheco: Support motion. Won't undermine ability of minorities to elect one of their own.

Glushon: Will support. But can't ignore Tony's comments. This is a problem with the elected model.

Boland: We need to think about cost.

VOTE: 7-4

Chemerinsky: Is there a motion for sub-districts? (There was none). Changing my vote to yes. Motion passed 8-3.

Chemerinsky: Votes on use of city funds to be divided equally among CCs. (Unclear. Out of room for short period.)

Dupont-Walker left.

Boland: I'm going to excuse myself from other votes until I know about carrot-stick.

MOTION: Each community council can keep a small percentage of tax increment funds from development for a specified period of time.

Hahn: Is this money that they get to keep on top of money from the city budget?

Boland: Yes, it's a small amount.

Hahn: I'm against it. Some areas don't have any development.

Boland: No apartments? No corner malls?

Hahn: No.

Widom: This doesn't feel right. Systems should be equitable.

Chemerinsky: This is the one provision that would cause me not to sign on to the whole Charter. It's unfair to poor areas. For you, Paula, it was the Bill of Rights. For me, it's this. And under Serrano-Priest it might be unconstitutional.

Zine: If the local council denied the project, but it got approved on appeal, would the area get its money.

Boland: Yes.

VOTE: 2-8. (Yes=Boland, Zine)

Kayser: MOTION. A percent of tax increment from developments approved by CCs go to DON for distribution to all CCs equally. Zine second.

VOTE: 2-7 (Yes=Hahn, Kayser) (Boland walked)

Zine: MOTION. Amend Glushon plan to use some other threshold to be determined rather than the 40K sq. ft. threshold

VOTE: 6-3. (Proposal comes back at next meeting). (This was key vote for an elected model).

Hahn: MOTION. Community councils should be able to hold hearings and provide advice on issues of concern to the community.

VOTE: 9-1.

Next meeting Monday, November 2, 5 p.m. at DWP.