

DRAFT 12-4-98

ARTICLE _____

CITYWIDE NETWORK OF
NEIGHBORHOOD COUNCILS;
OFFICE OF NEIGHBORHOOD EMPOWERMENT

[Note: Although I realize that there=s no place in the Charter for language that describes intent, I=ve left in some of this language just to provide staff with a basic understanding of the purpose before they begin their work.]

The new City Charter should require the establishment of a citywide network of independent neighborhood councils in order to promote, encourage, and nurture maximum participatory democracy in Los Angeles.

The City should provide neighborhoods with the staff, skills, training, equipment, and resources they need to share power, affect decision-making at all levels, hold elected officials accountable, communicate with each other, better understand each other=s differences, organize neighborhood improvement projects, and make their neighborhoods and their city better places in which to live.

Much of their strength would come from being comprised of the diverse interests that make up their area. Their continued diversity would be guaranteed in the plan they present to the City for formal recognition and funding support.

To promote grassroots neighborhood empowerment, the Charter should guarantee that neighborhood councils have the ability to elect their own leaders, determine their own boundaries, control their own budgets, set their own agendas, and cluster together in order to receive city funding for shared offices, staff, equipment, and expenses.

Mandating the existence of such a network in the Charter guarantees its creation, and protects it from attack by future city councils or mayors. This action declares that Los Angeles is committed to neighborhood grassroots empowerment, and it presents Los Angeles as a progressive national model for other large municipalities.

The intent is to emphasize governance from the bottom up by encouraging as much neighborhood self-determination and empowerment as possible.

Section 260. Office of Neighborhood Empowerment.

[Note: Charter Section 600 was used as a guide for the following language.]

A. Establishment.

There is hereby established a Office of Neighborhood Empowerment (ONE) which shall have the duties, and responsibilities set forth in this article, and elsewhere in this Charter.

B. Executive Director and Staff and Delegation of Authority.

[Note: The charter commission voted to provide that the executive director be selected in the same way as other executive directors, which may still a subject of debate in the commission. The Wachs proposal called for the executive director and assistant director (i.e., high-ranking management) to be city employees who are exempt from civil service. Since the specific plan would be developed by the City Council, it is not known how many such high-ranking employees there might be. Along with the CAO, we anticipated that the other employees, might consist of clerical support, management analyst(s), and a systems analyst (computer expert), and could be civil service employees. See Section 600I.]

1. (Appointment of the executive director)

2. The executive director shall appoint and has the authority to discharge Office staff members and prescribe their duties. Non-clerical (Ethics says this includes their management analysts) personnel of the Office shall serve at the will of the executive director, shall not be subject to civil service requirements or procedures, and shall have no property interest in their employment.

[Q: It is possible, and very likely, that the City Council and/or Mayor may choose to transfer some existing city functions to the ONE. Is there boilerplate language to permit this assignment of additional duties and responsibilities? Could there be, and should there be, protections against transfers of responsibilities without the necessary resources too? The CAO thinks that there might not be a solution to this.]

C. Duties and Responsibilities.

The Office of Neighborhood Empowerment shall have the following duties and responsibilities:

1. Prepare a plan for the creation of a citywide network of neighborhood councils to ensure that (1) every part of the city is within the boundaries of a neighborhood council, (2) that the city would provide each neighborhood council and/or each neighborhood council cluster with the funds and support necessary to conduct its activities independently from city government except as specified in this Charter. The plan would be designed to promote maximum public participation, civic engagement, and neighborhood empowerment, and to provide neighborhoods with the support they need to become as self-sufficient as possible. The plan developed by the Office shall be submitted to the City Council, but the plan and any implementing ordinances would be adopted as presented if the city failed to adopt a plan within _____.

[Note: The last sentence was recommended by the appointed commission to prevent the city from never implementing a plan. I think it allows them to amend the ONE=s plan, but they couldn=t fail to adopt anything. Wording and intent are unclear.]

2. Assist neighborhoods in preparing petitions for recognition, identifying boundaries that may not divide neighborhoods, and organizing themselves.

[Q: This is the one reference to the important requirement that the boundaries of the neighborhoods, and in turn the clusters that are comprised of neighborhoods, be designed around neighborhoods, and not political or other boundaries that divide neighborhoods. Is it adequate in light of the fact that we don't define Aneighborhood@?]

3. Arrange leadership, cultural awareness, dispute mediation, civics, communications, and equipment training for neighborhood councils= officers and staff.

[Q: Rather than this detail, should we look for more general language that says the same thing? I also used the word Aarrange@ because we didn't mean to imply that city funds must be used. It might be possible to secure grants or find pro bono training. If not, the ONE=s budget would have to fund it to ensure that everyone has access to the same training. AProvide for@?]

4. Educate top-level city officials, including elected officials and commissioners, in the techniques and benefits of community empowerment and the city=s system of neighborhood councils.

[Note: Thought it would be a good idea to let City Hall know that community empowerment is not a threat or problem to them. This was a fear among some departments in some other cities in the beginning. Perhaps it might be better to use some of the language in Section 600K(5) -- Aprovide assistance to agencies and public officials@ Q: The term Atop-level city officials@ came from Section 600M(3)(a). Does it have a particular meaning that is too restrictive?]

5. Arrange quarterly Congress of Neighborhoods meetings if requested to do so by the neighborhoods.

[Q: Is Aquarterly@ too often?. The ONE might be spending all of its time preparing for the next meeting. The Aif requested@ language was because, over time, the neighborhood councils may wish to arrange these meetings on their own. Would it be better to say Aensure@ that the meetings take place? So if the meetings don't get arranged by someone else, the ONE has to do it.]

6. Secure city in-kind support.

[Note: Examples would be using the city purchasing contracts, acquiring surplus equipment, and printing and mailing materials. Q: Is Ain-kind support@ the proper legal term?]

7. Assist in preparing applications for non-profit status if requested.

[Note: Suggest eliminating this because it should be covered under the more general duty

of helping the NCs organize themselves as noted above.]

8. Create and maintain an internal and external information and communication network, including a citywide database of neighborhood organizations that would be available for public use.

[Note: USC is already working on such a database, but it's not certain how it's going to end up. I'll be meeting with them again soon. Was aiming at wording that would make this a responsibility of the ONE if no one else did it successfully. ITA (Information Technology Agency) says they could do it if necessary. The CAO (City Administrative Officer) and I have been meeting with ITA regarding connecting the NCs into the city's Internet, Intranet, and e-mail system. Doesn't appear to be a problem. But each cluster office would need at least one high-end computer like the city council offices have. Need to make sure that the city makes it possible for each office to have adequate communications equipment. Am working with CAO and ITA on how to do this. More to come. Having the equivalent of what city council offices have would do the trick. Ainternal@ means the ability to communicate within the city government system and within the network of neighborhood councils, and Aexternal@ means with the rest of the world.]

9. Identify and receive grants, gifts, and appropriations subject to the approval of the City Council, and assisting the neighborhood councils in securing same.

[Note: From Section 600K.]

10. Act as City Hall's neighborhood advocate on behalf of the neighborhood councils.

[Note: Might be unnecessary. Might be better to say that it would assist the neighborhoods with things they need from City Hall.]

11. Publish a newsletter that is distributed to every stakeholder in the city at least three times a year.

[Note: Important. Being able to communicate with everyone in the city is critical to meaningful empowerment and civic engagement. The cluster offices need money for communication through newsletters. Am trying to determine if it's best to guarantee this total sum here in the Charter, and then allow the requirement for one or two of the citywide newsletters to be accomplished by having each cluster office mail to each stakeholder. It's possible that the detailed plan developed by the ONE would contain other newsletter funds for each office, but a Charter provision here would guarantee a minimum.]

12. Assist neighborhood council clusters in hiring and/or administering staff if requested by the neighborhood clusters.

[Note: Trying to provide options. In one city, some of their Acluster@ offices prefer to

have a budget and hire their own employees. Others don't want the problems associated with personnel management (payroll, workers= comp, providing benefits, etc.), so they prefer to pick an exempt city employee.]

13. Provide information to the neighborhood councils as requested.

14. Assist the neighborhood councils and neighborhood council clusters with the election or selection of their officers.

[Note: At least in the beginning, they may need lots of help with this new process. Some cities contract with the League of Women Voters to help with their elections. The help could come from ONE employees (temporary or permanent), or through contract. May not know what=s needed until the ONE develops the plan. But the budget needs to anticipate that coordinating an election involving all the stakeholders will involve mailing.]

15. Assist in recruiting (securing?) volunteers.

[Note: The NCs themselves will secure many of their own volunteers for their offices and projects, but rather than have all these offices individually contact UCLA, for example, the ONE could be a central coordinating point for those who wish to volunteer at an NC office, and in the ONE office.]

16. Assist the neighborhood councils in designing and implementing a APrepare L.A. Plan@ for emergency preparedness.

[Note: This was added because there are citywide public benefits to ensuring that it=s done. Each neighborhood should be prepared and self-sufficient in the event of an earthquake or major disaster.]

17. Have full charge and control of its office, being responsible for its proper administration, submitting annually a budget and expending the funds of the Office, all as otherwise prescribed by law.

[Note: See Section 600K.]

18. Performing other duties and responsibilities directed by the City Council or Mayor.

[Q: Again, is it possible to protect the ONE from being designated additional duties but no funding, so it becomes overloaded and fails? An example would be the Neighborhood Matching Grant program that Operation Clean Sweep was told to administer without any additional resources. Might even be unnecessary to include this provision unless it=s a standard phrase for all departments.]

Section 261. Neighborhood Empowerment Commission.

[Note: The charter commission voted that this NEC should be appointed in the same way as other commissions, presumably that will remain with the mayor. But they never discussed how many commissioners they wanted. In the joint conference, Erwin talked about 5. I suggested to him today that the Charter set a minimum (5?) and allow it to be increased by ordinance if it=s determined that a larger number gives a better ability to ensure that the diversity of interests are also represented on the commission.]

A. Establishment.

There is hereby established a Neighborhood Empowerment Commission (NEC) which shall have the duties, and responsibilities set forth in this article, and elsewhere in this Charter.

B. Appointment.

The Mayor shall appoint ___ members to the Commission. All appointments shall be subject to confirmation by a majority of the Council. A President and Vice President of the Commission shall be selected by the Commission and shall serve in those capacities as set forth in Section ___ of this Charter.

[Note: See sections 600B and 72+.]

C. Terms of Office.

The members of the Commission, including the president, shall serve

[Note: Terms were never discussed. Whatever is common I guess.]

D. Qualifications.

[Note: Qualifications were never discussed.]

E. Removal.

Members of the Commission may be removed by the Mayor, with concurrence of the Council by majority vote, or by a two-thirds vote of the Council, for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this article, after written notice of the grounds on which removal is sought and an opportunity for a reply.

[Note: See Section 600E.]

F. Vacancies.

Appointments to fill vacancies on the Commission shall be made within 30 days by the Mayor. Appointments to fill vacancies shall be for the unexpired term of the member whom the appointee succeeds. A vacancy or vacancies shall not impair the right of the remaining members to exercise the powers of the Commission.

G. Quorum.

___ members shall constitute a quorum, and the concurring vote of at least ___ members shall be required to take any action.

H. Compensation; Expenses.

The members of the Commission shall be reimbursed for expenses incurred in the performance of their official duties.

[Note: I doubt that this commission will meet very often except in the very beginning, so I don't think they'll need any stipend. Who should approve expense reimbursements or pre-payments such as to attend a meeting or conference?]

I. Duties and Responsibilities.

1. The Commission may grant, by majority vote, certification of the neighborhood councils as official neighborhood councils upon receiving their petition for certification as described in _____. The Commission may also withdraw, by majority vote, the certification.

2. The Commission may grant, by majority vote, certification of the clusters of neighborhood councils as official neighborhood council clusters upon receiving their petition for certification as described in _____. The Commission may also withdraw, by majority vote, the certification.

[Note: Originally, we were calling the neighborhood clusters @ community councils, @ but we changed it to avoid confusion with the use of that term in the formally-elected model. If it turns out that there is no formally-elected model, I guess we could go back to it.]

[Q: We never discussed this, but it's always hard to keep commissions like this from meeting and offering their advice on anything relating to the operation of the Office. If it was determined that we should let them meet to advise, and we weren't paying them a per meeting stipend, would we need Charter language to permit them to do that? After the bulk of the NCs are certified at the beginning, there won't be much for this commission to do.]

Section 270. Certification of Neighborhood Councils.

A. Petitioning for Certification.

Each neighborhood council seeking official certification from the City shall submit an

organization plan and their by-laws to the Neighborhood Empowerment Commission showing, at a minimum: a guarantee that any election of neighborhood officers will be open and non-discriminatory to everyone who lives, works, or owns property in the area (Athe stakeholders@); assurances that the officers of the neighborhood council will reflect the significant diverse interests within their area; goals and objectives; a system through which the neighborhood council will communicate with each stakeholder on a regular basis; a system for financial accountability of its funds; and guarantees that all meetings will be open and public.

[Q: Should we use the word Asignificant@ as an adjective to Adiverse interests@? I assume that it doesn=t have any real meaning, but we didn=t want the Charter to imply that every self-described diverse interest had to be represented. Does the term Acommunities of interest@ have any legal meaning? Should it be used here?]

Section 271. Certifying the Neighborhood Council Clusters.

A. Petitioning for Certification.

Before the City begins the initial funding, the Office of Neighborhood Empowerment will assist the neighborhood councils in clustering themselves into groups of not more than 150,000 residents, and of approximately equal populations. The officers of the neighborhood councils will submit a petition to the Neighborhood Empowerment Commission, its organization plan and by-laws, which will include at a minimum: (1) a guarantee that the method of electing or selecting the officers of the neighborhood council clusters, who will be responsible for the handling of funds and maintaining the office, reflect the diverse interests within their cluster area; goals and objectives; a system through which the neighborhood cluster will communicate with each of its neighborhood councils on a regular basis; a system for financial accountability of its funds; and guarantees that all meetings will be open and public.

Section 272. Early Warning Ordinance.

A. Responsibility for Notification.

1. It shall be mandatory upon the Council to adopt an ordinance which would guarantee that before any city agency takes final action on issues of concern to the stakeholders and the neighborhood councils, the City must provide notice to the affected neighborhood council cluster offices as soon as possible, and at least 30 days in advance whenever practicable, so that the neighborhood councils and their clusters would have adequate time to know about, understand, establish a position, and express their opinions.

[Note: The goal is for the city to notify the cluster officers as soon as they know a forthcoming issue, but at least do it 30 days in advance unless there=s an urgency. Don=t want to hold up urgent business, but often government waits until the last minute to circulate public notices.]

2. It is the responsibility of those currently responsible for public notification in each city agency

to ensure that the information is made available to the neighborhood council cluster offices as soon as possible after they are aware of it, but no less than 30 days before a final action is taken, except as otherwise provided in this Charter or by ordinance.

[Note: For the City Council that would be the City Clerk. I believe that each commission has a commission secretary. But each agency must have someone who is responsible for the open meeting and public records laws.]

B. Notices to be Provided.

1. Agendas for meetings of the City Council, City Council committees, and city commissions.

[Note: Should include agendas for any meeting that is covered by the Brown Act.]

2. Communications and motions referred to a City Council committee.

[Note: This is what's on the Council's Referral Sheet. This includes letters from the mayor, city agencies, and the public. Source: Helen Ginsberg, City Clerk.]

3. City Council motions that are placed on the next available Council agenda without referral to a City Council committee.

[Note: These are Rule 16 motions. The Clerk would send them to the cluster offices through a pre-programmed fax group following each Council meeting. Source: Ginsberg.]

4. Applications for discretionary approval, to the affected cluster offices, as soon as practicable after they are filed.

[Note: No need to send these notices to areas that aren't affected. Source: Claudia Culling for the term Applications for discretionary approval.]

5. Proposals and matters formally entered into the city's commission system for formal decision.

[Note: Need better wording for this. Goal is for the commissions to adopt the City Clerk's referral sheet system. They can post the information on the Internet or Intranet, or send it to the cluster offices using e-mail, faxes, or whatever quick method technology has to offer. Each commission probably has a different way through which an issue enters into their system and heads toward a vote.]

6. Changes in delivery of services.

[Q: The task force and commission adopted this, but it doesn't have a definition. How small a change should require a notice? Losing a librarian? How sensitive a change should require a

notice? Temporarily changing police deployment? Big changes in services are included in the city budget anyway. The intent might have been to require notice of significant changes in services that occur mid-budget, like if there was a budget transfer to provide money to keep the libraries open longer hours. But those matters are included in a report that is sent to the Budget & Finance Committee, so the NCs would receive notice automatically.]

C. Exceptions.

The ordinance may provide for exceptions in for unforeseen urgencies, and for matters which regularly must be granted final approval in less than 30 days.

[Note: Certainly you want the city to be able to act quickly in true emergencies. Same day actions (Rule 23) require the City Council to make a finding of urgency. Motions that by-pass committee and can be heard 72 hours later (Rule 16), don't have to make findings. A good example of the second situation (things that are regularly urgent) would be filming permits which normally need to be granted rather quickly, and a special system of public notification already exists.]

D. Violation.

[Note: The intent was that the city, not any applicant, be required to provide adequate notice. Therefore someone could take a legal action to stop the city from acting if the notice were found to violate the provisions in Charter or ordinance.]

Section 273. Annual City Budget Priorities.

If the neighborhood clusters choose to present an annual list of priorities for the city budget, the Mayor shall be required to include those suggestions as part of the annual budget documents that are transmitted to the City Council.

[Note: An excellent recommendation by the elected commission because it would cause some Offices to go out and pro-actively seek support from NC clusters.]

Section 274. Appropriation.

The City Council shall appropriate funds for the Office of Neighborhood Empowerment annually.

[Note: See Section 603. Although it was never discussed, there is a possible amendment that would guarantee adequate funding of the clusters and help ensure that are formed roughly equal in population. That is to require that each cluster be provided with a base amount of funding equal to \$___ per resident (perhaps \$1). Initially, the city would try and keep the clusters roughly equal in population for reasons of equity. And as the population in the clusters change, the funding would change.]

Section 275. Legal Services.

The City Attorney shall provide legal services to the Office.

[Note: See Section 600Q.]

Section 276. Transfer of Powers.

Notwithstanding Section 32.1 of the Charter, the Mayor and City Council shall not transfer powers, duties or functions of the Office to any Office, bureau or other agency.

[Note: See Section 602. Q: Should this just apply to the duties, powers, and functions detailed in this Charter, and not to additional duties that might be transferred to them at a later date? It would seem that we would want to guarantee that their minimum duties are protected, but not to guaranteed that additional duties, once transferred, are there forever.]

Section 277. Conflict with other Charter Provisions.

In the event any provision of this article conflicts with other provisions of this Charter, this article shall prevail.

[Note: See Section 604.]

Section 278. Authority.

This article is adopted pursuant to and under the authority of Article XI, Section 5 of the California Constitution, and California Government Code Section 81013.

[Note: See Section 605.]

Section 279. Review.

No later than five years after the implementation of the neighborhood councils network, a review shall be conducted by an independent commission created by the City Council, and composed of members appointed as follows: one-third by the Mayor, 1/3rd by the City Council, and one-third by the community councils.

[Note: This language was approved by the commission during discussions of a formally-elected model. The term Acommunity councils@ is one that has been used to refer to groups of formally-elected city officials. The composition, duties, and powers of this commission will need more specifics. At one point, Wachs suggested that the commission be comprised on one member from each of the neighborhood council clusters.]