

Article XXIV

Department of Neighborhoods and Neighborhood Councils

Sec. 240. Purpose

A citywide system of neighborhood councils and an Office of Neighborhood Empowerment shall be created to ~~To~~ promote more citizen participation in government and to make government more responsive to local needs. ~~a Citywide system of neighborhood councils, and a Department of Neighborhoods shall be created.~~ These neighborhood councils shall include representatives of the many diverse interests in each neighborhood communities and shall have an advisory role on issues of governance.

~~The Department of Neighborhoods shall implement and oversee the system of neighborhood councils.~~ The City shall ~~should~~ assist neighborhoods in obtaining the staff, skills, training, equipment, and resources they need to 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. The Office of Neighborhood Empowerment will perform those coordination and assistance functions.

[This requires a change to AOffice of Neighborhood Empowerment@ from ADepartment of Neighborhoods.@ New name was adopted by appointed commission, and joint conference committee. City Atty felt that changing Ashould@ to Ashall@ was stronger. The only other language I considered putting in here was something that indicated that the NCs would independent from control by the City Council. The City Atty cautioned that this might be difficult to word because the city does have budgetary authority, so the NCs could never be totally independent. I suggested words to the effect of Aindependent from operational control by the City Council or mayor,@ but ended up undecided as to whether or not it was needed. The reason for the language is that I=m certain that many councilmembers now (and who knows about the future) would want to control the NCs day-to-day operations. Later you will see that the City Atty recommended that they be non-profits. This, I would think, would ensure independence.]

Sec. 240.1. Department Organization

There is hereby created an Office of Neighborhood Empowerment which ~~The Department of Neighborhoods~~ shall have the duties and responsibilities set forth in this article and elsewhere in this Charter. These ~~Such~~ duties and responsibilities shall include:

- (a) Preparing ~~Prepare~~ a plan for the creation of a citywide network of neighborhood councils to ensure that every part of the city is within the boundaries ~~boundary~~ of a neighborhood council area. The plan shall be designed to promote maximum public participation, civic engagement, and neighborhood empowerment. It shall and to provide neighborhoods with the support necessary for the development of operational neighborhood organizations that are less reliant on city government they need to become as self-sufficient as possible.

[The City Atty suggested that Aself-sufficient@ could be misinterpreted to mean that they should ultimately have their own police force, their own trash collection, etc. Our intent was to help neighborhoods organize themselves in ways that

allow them to be less reliant on city government, such as implementing emergency preparedness plans house-by-house.]

- (b) Implementing and overseeing the system of neighborhood councils.
- (c) Assisting Assist neighborhoods in preparing petitions for certification recognition, identifying boundaries that ~~do~~ shall not divide neighborhoods traditional communities, and organizing themselves.
- (d) Assisting groups of neighborhood councils to form associations of neighborhood councils called neighborhood council clusters.
- (e)(b) Providing Provide each neighborhood council and/or each neighborhood council cluster with the funds and administrative and technical support that the Office considers necessary to conduct the its activities of the neighborhood councils and neighborhood council clusters in accordance with the purposes of this Article. This responsibility shall include providing the necessary assistance to neighborhood councils for holding meetings of a Congress of Neighborhoods at least bi-annually. This Congress of Neighborhoods shall be composed of representatives of all the neighborhood councils in the city.
[Joel=s original proposal called for quarterly meetings. Some felt this might be too often. That someone would be spending all their time planning the next meeting. Your commission=s draft doesn=t specify frequency. By specifying a minimum number of meetings, you guarantee that the Office=s budget contain funding for the meetings. The method of choosing the representatives to the Congress meetings would be determined in the plan to be developed by the Office and adopted by the Commission.]
- (e) ~~Arrange Congress of Neighborhoods meetings if requested to do so by the neighborhoods.~~
- (f)(d) Arranging Arrange leadership, cultural awareness, dispute mediation, civics, communications, equipment, and any other training necessary and useful for neighborhood councils= officers ans staff.
- (g)(f) Creating Create and maintaining maintain an internal and external information and communication network, including a citywide database of neighborhood organizations and information that would be available for public use useful to neighborhood councils.
[FYI: This means the budget has to include money for computers, fax machines, telephones, etc. The ability of the cluster offices to communicate with the people in their neighborhoods, the NCs within their area, city hall, and other NCs and clusters is critical. The city feels it can fairly easily allow the clusters to become part of the city=s e-mail, Internet, and ltranet system.]
- (h)(g) Identifying Identify and receiving receive grants, gifts, and appropriations, and assisting the neighborhood councils and neighborhood council clusters to secure these funds or goods in securing same.
- (i)(h) Assisting Assist neighborhood councils in hiring and/or administering staff if requested to do so by the neighborhood council clusters.
- (j)(f) Providing relevant Provide information to the neighborhood councils and neighborhood council clusters as requested.
- (k)(f) Assisting Assist the neighborhood councils and neighborhood council clusters with the election or selection of their officers, including the provision of necessary resources.
- (l)(k) Performing other duties and responsibilities as directed by the City Council or Mayor.

[After the elected commission staff met with Erwin, one important responsibility was deleted. It read, "Publishing a newsletter that is distributed to every stakeholder in the city at least three times a year." The NCs and the clusters are required to include in their petitions, their plans for communicating with their stakeholder. This is what gives them power. For instance, union lobbyists are effective because they can communicate with, and mobilize their members. Traditional city hall advisory committees are not influential because they have no resources to do the same. Even councilmembers and other elected officials are legally restricted in their ability to send unsolicited mass mailings. Including this as a responsibility guarantees that funding for it would be included in the budget. The intent was that either through mailings prepared and sent by the ONE and/or mailings prepared and sent by the NC clusters, there should be enough money appropriated so that every stakeholder gets communicated with at least ___ times a year. Our fear is that a disapproving Council or Mayor in the future could render the NCs relatively ineffective by eliminating their ability to inform, involve, and mobilize their stakeholders.]

Sec. 240.2. Board of Neighborhood Empowerment Commissioners

- (a) There is hereby created shall be a board of commissioners to be known as the Board of Neighborhood Empowerment Commissioners. Initially, this board shall consist of eleven (11) members; however the number of members can be increased by ordinance. Commissioners to be known as the Board of Neighborhood Commissioners (hereinafter referred to as the Board). The Mayor shall appoint all commissioners Commissioners, subject to confirmation by the City Council. The commissioners Commissioners may be removed by the Mayor at will. ~~The number of Commissioners may be increased from time to time as prescribed by ordinance.~~

[It seems that the commission's name should match the Office's name. The elected charter commission never discussed size. The elected charter commission did decide that these commissioners should be appointed and removed in the same manner as other commissions. At the time of this drafting, that issue was still being decided.]

- (b) This board The Board shall develop policies, procedures, and criteria for certifying and decertifying neighborhood councils and neighborhood council clusters. The commission's decision regarding these certification and decertification issues shall be final. be responsible for policy setting and policy oversight, including the approval of contracts and leases, adoption of all rules and regulations, but shall not be responsible for day-to-day management.

[The elected charter commission decided that this commission should have the same duties and powers as other non-managing or non-regulatory commissions. At the time of this drafting, this issue was still being decided. Our original intention was that this Office didn't need a traditional commission to provide public input because the NCs themselves would perform that function. Also, the Office would not provide city services, but rather exist to provide support to the NC system. We felt that the role of the commission would be to certify and decertify the NCs and NC clusters. Your staff suggested that they also be given the responsibility to adopt the detailed plan for how the system would work, so that this responsibility wouldn't be with the City Council. Staff also added the language that has been tentatively marked above for deletion because we didn't know if this might take them into the category of managing

the Office. The City Atty felt that the current language would take this commission into the area of being a managing commission. Need to discuss more with your staff. The City Atty asked if we want commission decisions to be subject to Prop 5.]

- ~~(c)~~ Six (6) members of the Board shall constitute a quorum. The powers conferred in this section shall be exercised by order of the board adopted by a majority of its members.

[City Atty suggested deleting this because the size of the commission may change, and the commission should be allowed to determine its own procedures.]

- ~~(c)~~(d) The members of the Commission shall be reimbursed for expenses incurred in the performance of their official duties.

[Your staff added this to make it clear that the commissioners shall not be paid for their service other than being reimbursed for expenses. The specifics to be included in the plan. City Atty recommended deletion of this language.]

Sec. 240.3. General Manager

- (a) There shall be an executive director of the Office of Neighborhood Empowerment ~~a general manager of the Department of Neighborhoods~~ who shall be appointed by the Mayor, subject to confirmation by the City Council, ~~and may be removed by the Mayor at will.~~

[City Atty suggested removing the language about removal because this would be covered by another Charter section covering all general managers.]

- (b) The executive director ~~general manager~~ shall be responsible for the day-to-day management of the Office ~~Department~~.
- (c) The executive director ~~general manager~~ ~~director~~ shall appoint and discharge office staff ~~members~~ and prescribe their duties. Non-clerical personnel of the Office shall serve at the pleasure of the executive director ~~general manager~~, shall not be subject to civil service requirements or procedures, and shall have no property interest in their employment.

[Language in (c) was taken from the Charter section on the Ethics Commission.]

Sec. 241. Approval of the Plan for Creation of Citywide Network of Neighborhood Councils

The Commission shall approve the plan for the creation of a citywide ~~Citywide~~ network of neighborhood councils ~~Neighborhood Councils~~ as set forth in this Article, and in conformance with the following:

- (a) The Commission shall seek public input in the formulation of the plan.
- (b) The plan shall contain a statement of goals, policies and objectives of the neighborhood councils ~~Neighborhood Council~~ system, and shall contain specific regulations to implement the plan.

~~(1)~~(e) The regulations shall establish the method by which boundaries of neighborhood councils will be determined. The system for determining boundaries shall maintain neighborhood boundaries to the maximum extent feasible, and may consider community planning district boundaries where appropriate.

~~(2)~~(d) The regulations shall ~~must~~ ensure that all areas of the City are given an equal opportunity to form neighborhood councils, and shall provide a mechanism by which neighborhood councils are officially ~~recognized or~~ certified.

[Since Arecognized and Acertified mean the same thing, lets just pick one.]

~~(3)(e)~~ The regulations shall establish the procedures ~~procedure~~ and criteria for certification of neighborhood councils and the neighborhood council clusters.

~~(4)(f)~~ The regulations shall set forth ~~describe~~ the procedures for calling and conducting Congress of Neighborhoods meetings.

~~(5)(g)~~ The regulations shall require that neighborhood councils and neighborhood council clusters adopt fair and open procedures for the conduct of their business.

~~(c)(h)~~ The Mayor and City Council shall provide for the creation of the Office of Neighborhood Empowerment and the Neighborhood Empowerment Commission ~~Department of Neighborhoods and Neighborhood Commission~~ within ninety (90) days of the effective date of this Article. The Mayor shall appoint the members of the Board of Neighborhood Empowerment Commissioners and the executive director of the Office within sixty (60) days of the effective date of this Article, and the Council shall act on the confirmation of the appointments within thirty (30) days thereafter.

~~(d)(i)~~ The Commission shall complete development of the plan and formally adopt the plan and all necessary regulations within six (6) months of the establishment of the Office ~~Department and Commission~~.

Sec. 242. Certification of Neighborhood Councils and Neighborhood Councils Clusters

~~(a)~~ **Neighborhood Councils.** A neighborhood council is a private, non-profit organization. The city shall not be responsible for the debts or torts or a neighborhood council or neighborhood council cluster. If the city recognizes by means of certification a neighborhood council, the neighborhood council shall be entitled to the benefits set forth in this Article.

[Although all other NCs in the other cities have elected to have non-profit status, the City Atty is recommending that they be required to have it as an additional way of ensuring that they are not part of city government, and sheltering the city from liability. It may be possible that the rest of the language, or a rewrite of this language, could make clear these points without requiring that they have non-profit status. But we shouldn't prohibit them from becoming non-profits because my survey of the Amodel cities showed this was an important tool in allowing the lower-income area NCs to get more resources through private and public grants that are often earmarked for lower-income areas, and through tax-deductible donations.]

~~(b)~~ **Petitioning for Certification and Approval by the Board.** Neighborhoods may petition for the certification of neighborhood councils in accordance with the rules enacted by the Commission. After receipt and review of a petition for certification, the Commission may grant, by majority vote, certification of a neighborhood council as an official neighborhood council or certification of a neighborhood council cluster as an official neighborhood council cluster, as provided in this Charter. The Commission may also decertify, by majority vote, any certification it has previously approved.

~~(c)(a)~~ Each neighborhood council seeking official certification from the City shall submit to the Commission a petition which includes an organization plan and by-laws. ~~to the Neighborhood Commission showing,~~ The petition shall show, at a minimum:

- (1) That the selection of neighborhood council officers will be open and non-discriminatory to everyone who lives, works, or owns a business or property in the area (At the stakeholders@);
- (2) That the plan will ensure assurances that the officers of the neighborhood council will reflect the diverse interests within their area;
- (3) The plan will contain a system through which the neighborhood council will communicate with stakeholders on a regular basis;
- (4) The plan will include a system for financial accountability of its funds;
- (5) The plan will contain procedures for open and public guarantees that all meetings will be open and public, and permit every stakeholder to participate in the conduct of business, deliberations and decision-making; and

[The City Atty eliminated the second part of (5) because they feared that this might be interpreted to mean that every stakeholder in the area has right to vote on issues. I told the City Atty that our intention was that any stakeholder who attends the meeting@ gets to vote as an equal. They understood that.. Joel discussed this with Erwin the one time they met. This is the pure empowerment part. It allows the meetings to be run like a New England Town Hall where everyone who shows up can participate as equals. Within their by-laws they can provide what powers the officers have to act on their own in between meetings. But this provides empowerment right down to the individual. It=s different than asking people to attend a meeting, allowing them to speak, and then hoping that the officers vote the right way. Yes, one side of a controversial issue could stack a meeting, but the best defense is the truth. Officers could explain to the City Council, or whomever, that this meeting, quite honestly, was attended by 35 people who never attended before and who work for the Bank of America that is applying for a zoning variance. Let the bank argue that it=s untrue.]

- (6) The plan will contain a system for monitoring the delivery of City services in the council=s area.

(d)(f) Neighborhood Council Clusters. The Office of Neighborhood Empowerment Department of Neighborhoods shall 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 seeking to form a neighborhood council cluster shall will submit a petition to the Neighborhood Commission which includes a neighborhood council its organization plan and by-laws. The petition shall provide which will include at a minimum:

[The elected charter commission decided on a minimum size of 150,000. That would mean a minimum of 23 clusters. The original number was set at 100,000 - a minimum of 36 clusters. Planning Dept staff opined to us that 38 clusters would be the minimum number to ensure that no major communities would be divided. This number plays a large role in determining the cost of the system. The plan could, of course, suggest any number of clusters beyond the minimum.]

- (1) ~~The 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;~~
 - (2) ~~The plan will ensure that the officers of the neighborhood council will reflect the diverse interests within their area;~~
 - (3) ~~The plan will contain a system through which the neighborhood council clusters eluster will communicate with the each of its neighborhood councils within its cluster on a regular basis;~~
 - (4) ~~The plan will include a system for financial accountability of its funds and maintainance of any office staff it may have;~~
 - (5) ~~The plan will contain procedures for rules that all meetings will be open and public meetings; and~~
 - (6) ~~The plan will contain a system for monitoring the delivery of City services in the cluster=s area.~~
- (c) ~~Petitioning for Certification and Approval by the Board. Neighborhoods may petition for certification in accord with the rules enacted by the Neighborhood Commission. The Commission may grant, by majority vote, certification of the neighborhood councils as official neighborhood councils upon receiving their petitions for certification as provided in this Article. The Commission may also revoke, by majority vote, the certification.~~

Sec. 243. Early Warning System

- (a) Responsibility for Notification.
- For any matter described in Subsection (b), which has either only a local impact or a citywide impact, the City Council and every Board and Commission shall provide notice of the pending matter to the affected neighborhood council cluster office, if established, and if not, to the neighborhood council at the earliest date, and whenever practicable, at least thirty (30) days in advance of the proposed action. This notice is intended to give neighborhood councils and neighborhood council clusters adequate notice of a proposed action so that the members of the council and clusters can develop an understanding of the matter, establish a position relative to the action, and express their opinions to the decision-makers.
- (1) ~~It shall be mandatory for the City Council and all Boards and Commissions, before any final action is taken on matters before them, to provide notice to the affected neighborhood council cluster offices as soon as possible, and at least thirty (30) days in advance whenever practicable, so that the neighborhood councils and their clusters would have adequate time to be informed, establish a position, and express their opinions.~~
 - (2) ~~For matters of Citywide jurisdiction or impact, the City Council and all Boards and Commissions must provide notice as described in subsection (1) to all neighborhood council cluster offices.~~
 - (3) ~~Those persons responsible for public notification in the City Council and in each Board or Commission shall be required to ensure that the information is made available to the neighborhood council offices as soon as possible and at least thirty (30) days in advance wherever practicable.~~
 - (4) ~~Neighborhood Councils may express the views of their members with respect to any matter of concern, and the City Council and every Board,~~

~~Commission or other public body shall afford them a reasonable opportunity to be heard.~~

- (b) Matters for which Notice is Notices to be Provided.
- (1) Agendas and notices of meetings of the City Council, City Council committees, and city boards or commissions.
 - (2) Communications and motions referred to a City Council committee.
 - (3) City Council motions that are placed on the next available Council agenda without referral to a City Council committee.
 - (4) Applications for discretionary land use approval, ~~to the affected cluster offices, as soon as practicable after they are filed.~~
- [Need to ask City Atty if this excluded any discretionary applications that are not land use.]
- (5) Applications for police permits.
- (6)(5) Applications and proposals and other matters scheduled for hearing before a City commission formally entered into the city=s commission system for formal decision.
- (c) The 30 day advance notice requirement is applicable when practical. A notice, if given less than 30 days in advance, shall be given as early as practical. The following types of matters shall not be subject to the 30 day notice requirement:
- (e) ~~Exceptions to the Early Warning System shall include:~~
- (1) Actions involving formally declared City emergencies.
 - (2) City matters requiring urgent action or determination.
 - (3) Actions that, by their very nature, regularly require a determination in less than thirty (30) days.
 - (4) Notwithstanding such exceptions, notices required to be given by this Charter shall be given as soon as practicable.

[All changes in this section recommended by City Atty. In preparing the language for elected commission=s version, elected commission staff suggested that we don=t need an early warning Aordinance@ if it=s in the Charter. Good idea.]

Sec. 243.1. Monitoring of City Services

~~In accordance with the responsibility of neighborhood councils Neighborhood Councils and neighborhood council clusters to monitor shall be responsible for monitoring the delivery of City services in their respective areas, representatives of these bodies shall have periodic meetings with responsible officials of City departments, and shall, when appropriate have the officials attend neighborhood council or neighborhood council cluster meetings, including periodic meetings with responsible officials of City departments, and may require the attendance of such officials at such meetings.~~

Sec. 244. Delegation of Authority

~~The City Council may delegate its authority to neighborhood councils or neighborhood council clusters to hold legally required public hearings prior to making a decision on a matter of local concern.~~

[City Atty has serious concerns that if NCs were to hold legally required hearings, that this might trigger the Voting Rights Act because they would be acting in an official city capacity. I think this provision was transferred over from the language that had been drafted for a formally-elected, decision-making system.]

Sec. 245. Annual City Budget Priorities

Each neighborhood council cluster may present an annual list of priorities for the city budget. ~~The neighborhood councils shall be informed by the Mayor of the deadline for submission so that it might be considered in a timely fashion.~~ The Mayor shall be required to include those suggestions as part of the annual budget documents that are transmitted to the City Council.

[Upon reflection, these recommendations should come from the clusters. We don't know how many NCs there will be. Could be several hundred, and this would make the budget process fairly cumbersome, and difficult for decision-makers to read. The elected commission was not specific as to who should submit the priorities.]

Sec. 245.1. Appropriation

The Mayor and City Council shall appropriate sufficient funds for the Office of Neighborhood Empowerment ~~Department of Neighborhoods~~ and for the start-up and functioning of neighborhood councils and neighborhood council clusters. There shall be an appropriation for this purpose for the first two years after the effective date of the Charter provisions concerning neighborhood councils and the Office of Neighborhood Empowerment ~~Department of Neighborhoods~~. ~~These~~ Such funds shall be placed ~~appropriated~~ into a special fund to be established by ordinance. The Mayor and City Council shall thereafter appropriate funds for these purposes at least one year in advance of each subsequent fiscal year.

Sec. 246. Transfer of Powers

Notwithstanding any other provision of this Charter, the Mayor and City Council shall not transfer powers, duties or functions of the Office ~~Department~~ or Commission to any other department, office, bureau or other agency, without an amendment to this Charter being approved by the voters.

Sec. 247. Review

No later than five years after the adoption by the Commission of the plan for a Citywide Network of Neighborhood Councils, a review shall be conducted by an independent commission created by ordinance, and composed of fifteen (15) members appointed as follows: five by the Mayor, five by the City Council, and five by the neighborhood councils. The members appointed by the neighborhood councils shall be determined at a Congress of Neighborhoods meeting.

1-22-99 11:00 a.m.