

Article XXIV

Department of Neighborhoods Neighborhood Empowerment; Community and Neighborhood Councils

Sec. 240. Purpose

A citywide system of community and neighborhood councils and a Department of Neighborhood Empowerment shall be created 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 Community and neighborhood councils shall include representatives of the many diverse interests in each neighborhood or community communities and shall have an advisory role on issues of governance.

[City Atty suggested that changing should to shall.@]

[Note: Again, would mentioning a community and neighborhood councils confuse people? Especially since you don't define the difference, and because you said some commissioners are fearing a two-tier system.]

Sec. 240.1. Department Organization

There is hereby created a Department 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 community and neighborhood councils to ensure that every part of the city is within the boundaries boundary of a community or neighborhood council area. The plan shall 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.~~
- (b) Providing assistance to such councils with ~~The Department of Neighborhoods shall implement and oversee the system of neighborhood councils. The City 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, have greater influence over both local and citywide issues of concern, and to make their neighborhoods and their city better places in which to live and work.~~
- (c) Implementing and overseeing the system of such councils.
- (d) Assisting ~~Assist~~ communities and neighborhoods in preparing petitions for certification recognition, identifying boundaries that shall not divide ~~traditional communities and organizing themselves.~~

~~(e)(b)~~ Assisting such councils ~~Provide each neighborhood council and/or each neighborhood council cluster with the funds and administrative and technical support necessary to conduct their its activities in accordance with the purposes of this Article. This responsibility shall include providing the necessary assistance for holding meetings of a Congress of Neighborhoods at least bi-annually. The Congress of Neighborhoods shall be composed of the community and neighborhood councils in the city.~~

[Does Assist@ mean that they have to provide the funds?]

~~(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 and staff.~~

~~(g)(f)~~ Creating ~~Create and maintaining maintain an internal and external information and communication network, including a citywide database of neighborhood and community organizations and information that would be available for public use useful to neighborhood councils.~~

~~(h)(g)~~ Identifying ~~Identify and receiving receive grants, gifts, and appropriations, and assisting the neighborhood councils and neighborhood council clusters to secure such funds and goods to conduct their activities. in securing same.~~

~~(i)~~ Providing relevant ~~Provide information to the neighborhood councils as may be requested.~~

~~(j)~~ Assisting ~~Assist the neighborhood councils and neighborhood council clusters with the election or selection of their officers, including the provision of necessary resources.~~

~~(k)~~ Performing other duties and responsibilities as may be prescribed by ordinance directed by the City Council or Mayor.

[Although it was never specifically discussed, the elected commission=s draft did not include a provision that was suggested by Councilman Wachs. It included as a duty of the Office, APublishing 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, plans for communicating with their stakeholders on a regular basis. This is part of what gives them power. Elected officials are legally restricted in their ability to send unsolicited mass mailings. So including this as a responsibility guarantees that funding for it would be included in the budget, and that someone would be able to keep residents informed about what=s going on at City Hall and in their neighborhoods. The intent was that either through mailings prepared and sent by the ONE and/or mailings

prepared and sent by the NC offices, there should be enough money appropriated so that every stakeholder gets communicated with at least ___ times a year.]

Sec. 240.2. Board of Neighborhood Empowerment Commissioners

~~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 seven (7) 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 but removable by the Mayor alone. The Commissioners may be removed by the Mayor at will. The number of Commissioners may be increased from time to time as prescribed by ordinance. The terms of commissioners shall be designated so that the term of three commissioners shall expire at the end of two years; and the term of two commissioners shall expire at the end of three years; and the term of two commissioners shall expire at the end of four years. The terms of all commissioners shall begin with the first day an unexpired term shall be for the period of the unexpired term.~~

[The elected charter commission never discussed size. Staff inserted the number 11. You preferred 7. The drafting committee used 7.]

~~The Board Commission shall develop policies, procedures, and criteria for certifying and decertifying community and neighborhood councils. 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.~~

[This leaves City Council with Prop. 5 authority which shouldn=t be a problem if the Charter guarantees the fundamentals.]

~~(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.~~

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

Sec. 240.3. General Manager

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

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

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

The Commission shall approve the plan for the creation of a citywide Citywide-network of community and 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 community and neighborhood councils Neighborhood Council system, and shall contain specific regulations to implement the plan.
- (c) The regulations shall establish the method by which boundaries of community and neighborhood councils will be determined. The system for determining boundaries shall maintain community and neighborhood boundaries to the maximum extent feasible, and may consider community planning district boundaries where appropriate.
- (d) The regulations ~~shall~~ must ensure that all areas of the city are given an equal opportunity to form community and neighborhood councils, and shall ~~provide a mechanism~~ establish procedures by which neighborhood such councils are officially recognized or certified.
- (e) ~~The regulations shall establish the procedure and criteria for certification of neighborhood councils.~~ The regulations shall ensure that the composition of community and neighborhood councils are inclusive of the diverse interests and stakeholders.
- (f) The regulations shall set forth describe the procedures for calling and conducting Congress of Neighborhoods meetings.
- (g) The regulations shall require that community and neighborhood councils adopt fair and open procedures for the conduct of their business.
- (h) The Mayor and City Council shall provide for the creation of the Department of Neighborhood Empowerment and the Neighborhood Empowerment Commission ~~Department of Neighborhoods and Neighborhoods 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 general manager of the Department 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.
- (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 Department and Commission.

Sec. 242. Certification of Community and Neighborhood Councils

- (a) A community or neighborhood council shall be organized as a private, non-profit organization. The city shall not be responsible for the debts or actions of such councils. If the city recognizes by means of certification a community or neighborhood council, such council shall be entitled to the benefits set forth in this Article.
- (b) Communities or neighborhoods may petition for the certification of community or 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 community or neighborhood council. The Commission may also decertify, by majority vote, any certification it has previously approved.
- (c)(a) Each community or 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, which shall be in a form prescribed by the Commission, shall require, 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 and will reflect the diverse interests within their community (Athe stakeholders@);
- [The mayor=s office hoped that this language would include those involved with religious and educational institutions. Certainly, our intention is to be inclusive of all those who have an active interest in the betterment of the neighborhood.]
- ~~(2) 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
 - (6) The plan will contain a system for monitoring the delivery of City services in the council=s area.
- (d)(f) Community and Neighborhood Council Clusters Offices. The Department of Neighborhood Empowerment Department of Neighborhoods shall assist the neighborhood councils in grouping themselves into areas of not more than 150,000 residents, and of

approximately equal populations. The neighborhood councils that agree to share common offices ~~The officers of the neighborhood councils shall~~ will submit a petition to the Neighborhood Commission which includes its organization plan. The petition shall provide ~~which will include~~ at a minimum:

[I put this back in for you to consider if you want to guarantee a minimum number of offices, but getting rid of any mention of an additional layer of officers at this level. The elected charter commission decided on a minimum cluster size of 150,000. That would mean a minimum of 23 offices. Wachs had originally suggested a number of 100,000 -- a minimum of 36 offices. Planning Dept staff suggested unofficially to Wachs= office that 38 clusters appears to be the minimum number to ensure that no major communities would be divided. There are 35 community planning districts. Commissioners Gaines and Nelson submitted a written proposal to their commission that there be 40 offices. Birmingham has 22 clusters; Dayton 7; Portland 8, and St. Paul, which is 1/15th the size of Los Angeles, has 17. There is no magic number. However, the CAO, in a written report, made the very strong point that ~~Asize counts!~~ Experts agree that offices should be convenient to everyone (defined as something between a walk and a short drive); that communication with the stakeholders should be convenient; and that the neighborhoods within the clusters should share common local concerns.]

- ~~(1) the method of 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 contain a system through which the neighborhood council offices cluster will communicate with the each of its neighborhood councils within its area on a regular basis;~~
- ~~(3) The plan will include a system for financial accountability of its funds and maintainance of any office staff it may have;~~
- ~~(4) 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 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 Department of Neighborhood Empowerment at the earliest date, and whenever practicable, at least thirty (30) days in advance of the proposed action. This notice is intended to give community and neighborhood councils adequate notice of a proposed action so that the members of the councils can consider and express their opinions to the decision-makers.

[If there are to be offices created, and certainly we=d have to have them, you would want the notices and information sent directly to them. By sending it to the DONE, you=d experience delays. Since it would likely be done electronically and automatically, this wouldn=t present any burden to the sender.]

- ~~(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 sub-section (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, planning and zoning approvals, to the affected cluster offices, as soon as practicable after they are filed.

[City Attorney thought that Wachs preferred this to be limited to land use applications. The City Attorney felt that all other discretionary applications would go to a commission anyway, and therefore advanced notice would be provided.]

- (5) Applications for police permits.
- (6) Applications for quasi-judicial appeals.
- ~~(7)(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 thirty (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.

Sec. 243.1. Monitoring of City Services

In accordance with the responsibility of community and neighborhood councils Neighborhood Councils and neighborhood council clusters to monitor shall be responsible for monitoring the delivery of City services in their respective areas, responsible officials of city departments shall, upon request, attend council 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.

Sec. 245. Annual City Budget Priorities

Each community or neighborhood council 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.

[If this section does not require the Mayor to publish the budget priorities, this section has no meaning. Anyone can submit their budget priorities to the Mayor and Council. If the section stays, do you want to require publishing of the budget priorities of each NC, or do you want to make this something that should be submitted jointly by the NCs in each cluster in order to keep the volume down? 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 Department of Neighborhood Empowerment ~~Department of Neighborhoods~~ and for the start-up and functioning of community and 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 establishing the Department of ~~concerning neighborhood councils and the~~ 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 ~~Department or~~ Commission to any other department, office, bureau or other agency, without an amendment to this Charter being approved by the voters.

[What if the Council and Mayor were to transfer a responsibility to the Office through ordinance, could they reverse it through ordinance?]

Sec. 247. Review

No later than ~~five~~ seven years after the effective date of the Charter provision establishing the creation of the Department of Neighborhood Empowerment, an independent commission created by ordinance to review and propose changes, if any, to the Charter provisions concerning community and neighborhood councils and the Department of Neighborhood Empowerment. The commission shall be ~~and~~ composed of fifteen (15) members appointed as follows: five by the Mayor, five by the City Council, and five by the community and neighborhood councils. The members appointed by the neighborhood councils shall be determined at a Congress of Neighborhoods meeting.

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