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Taking It To The Streets: The Debate Over Neighborhood Governance In Los Angeles

by Jim Bickhart

"In an era that is devoid of easy remedies for persistent urban problems, perhaps the most – or the least – that can be done is to introduce a new perspective to the agenda of political debate."

Harlan Hahn, "Los Angeles and the Future," *Rethinking Los Angeles*¹

Preface

When the current bilateral effort to re-write the Charter of the City of Los Angeles first began to take root in 1990, dissatisfaction with the performance of City government had not achieved nearly the decibel level it enjoys in 1998. Tom Bradley, then the Mayor of Los Angeles, former Councilman Marvin Braude and Councilwoman Ruth Galanter (then chair of the Council's Rules and Elections Committee) began exploring the idea of updating the Charter as an abstraction, albeit one with political overtones of a very general sort.

Bradley and Braude, aging veterans on the City Hall scene, had plausible motives. Nearing the ends of their municipal careers (they were both to retire later in the decade), they arguably were looking to combine a laudable exercise in reforming local governance with a thinly-veiled goal of leaving behind a final, grand career legacy in the form of the first new Charter in nearly three-quarters of a century. Rules and Elections chair Galanter, a first-term Council member who had come to City Hall in 1987 focused on environmental protection, land-use and women's issues, was compelled by her position to become involved in the venture, although she apparently had no premeditated Charter-related agenda at the time.

¹ Harlan Hahn, "Los Angeles and the Future," *RETHINKING LOS ANGELES*, edited by Michael J. Dear, H. Eric Schockman, Greg Hise (Sage Publications, 1996), p. 93.

After several weeks of behind-the-scenes negotiations at the staff level, those elected officials memorialized a proposal to create a Charter Study Group and later a Charter Commission. The former would spend six months reviewing the City Charter and recommending a game plan for revising it. The latter would be appointed by the Mayor and Council to carry out its work, armed with a modest budget and a professional staff to facilitate their doing a thorough job.

The Rules and Elections Committee (Galanter, Council President John Ferraro and former Councilman Ernani Bernardi) approved the proposal and sent it to the full Council. The Council approved formation of the Study Group. The latter, which included key City staff and such luminaries as former State Supreme Court Justice Cruz Reynoso and current International Olympic Committee Executive Committee member Anita DeFranz, delivered a credible action plan. It recommended that the proposed Charter Commission would need about \$2 million to do its work and arrived around the same time that the early '90s recession delivered news to the Council of a looming budget deficit. After only several minutes of perfunctory discussion, the proposal was "received and filed" as too expensive. It was also not very compelling in a context in which there were few serious or highly visible agents of outrage, alienation, disaffection or secession with which the civic fathers and mothers had to cope.

However, this is not to say that nothing was amiss or afoot. Fast-forward to the mid-'90s. The 1992 civil unrest had unsettled many in the city. Successful investor and attorney Richard Riordan was now Mayor and was chafing under what he felt were inefficient restrictions on the Mayor's ability to govern the City. Residents and business leaders in the San Fernando Valley were seriously working toward having the Valley secede from the City. After several disputes with the City Council over a variety of substantive and governance issues, Mayor Riordan rallied his business community allies and took his case to the voters. They backed an initiative to place charter reform on the municipal ballot along with the creation of an elected Charter Commission to do the work. The Council countered by reviving the Charter Study Group's six year-old action plan and creating the appointed commission in a hurry. The voters then approved the initiative creating the elected commission - with authority to put its proposed charter directly to the voters.

Not surprisingly, by the fall of 1997, there were two functioning Charter Commissions. By early 1998, they were beginning to confront the inherent redundancy of the situation by working together on certain procedural and issue-related matters.

Both Commissions have engaged in the process of discussing weighty and at times complicated issues of City governance. Among those have been whether to

create a new means for neighborhoods to “take control” over their destinies, namely, “neighborhood councils” and, if so, whether those councils should be elected or appointed, whether they should have only advisory functions, or whether they should be given decision-making responsibilities. At the same time, the Government Efficiency Committee of the City Council held hearings and debated the same neighborhood council issues.

This paper discusses issues relating to whether neighborhood councils should be created in Los Angeles and, if so, what form they should take and what powers they should exercise. It does not as much take sides as it attempts to encourage thoughtful dialogue among those on all sides of the debate.

1. A History of Discontent

Because of the sometimes heavy-handed manner in which the present-day City of Los Angeles was pieced together, the City’s 20th Century history is peppered with accounts of communities being annexed and then becoming dissatisfied with their treatment at the hands of City Hall. These accounts have resulted in various stillborn attempts to allow for the creation of boroughs (1909, 1948) or other neighborhood-level governing entities (1969) and for the decentralization of the delivery of City services (1951). Mayors, earlier Charter Commissions, the state Little Hoover Commission and municipal voters have all gotten in on the act, yet none of these ambitious schemes has ever come close to being implemented.²

The key impediment to implementation of municipal “devolution” probably has been the reluctance of the City’s elected officials to voluntarily offer voters the opportunity to diminish their (*i.e.*, the officials’) authority. The current Charter, a heavily amended version of the document originally adopted by the voters in 1925, was born of a desire to avoid civic corruption. It deliberately installed unique, but sometimes debilitating, checks and balances so that no one official or branch of the City government could run roughshod over the others.³

Because the Charter was a reaction to scandals rooted at least partially in the Mayor’s office, the Mayor’s powers were circumscribed, with considerable Council oversight of mayoral actions prescribed. The Council was likewise limited by the mayoral veto power, the establishment of powerful, mayoral-appointed

2 Deliberations Staff Report, Appointed Los Angeles Charter Reform Commission, April 1998.

3 H. Eric Schockman, “Is Los Angeles Governable?”, *RETHINKING LOS ANGELES*, p. 59; see also, Robert M. Fogelson, *THE FRAGMENTED METROPOLIS: LOS ANGELES, 1850-1930* (University of California Press, 1993), pp.214-215, 221-222.

commissions and the natural tendency of Council members to represent their own constituents in a somewhat parochial manner. The commissions were similarly limited by the ability of the Council to review some of their decisions (and all of them after 1991) as well as the Mayor's power to veto the Council decisions and to appoint and replace commissioners. City departments were hobbled by mayoral and Council authority over their budgets, their general managers and some of their governing policies.

This labyrinth of checks and balances generally served its fundamental purpose: to limit corruption and ideological excess. Despite periodic allegations to the contrary and occasional incidents of impropriety, Los Angeles' municipal government apparently has been one of the cleaner big city governments in the country over a long period of time.⁴ Moreover, the complex equilibrium built into the Charter has made it difficult for the City to get swept up in the ebb and flow of ideology and political trends.

While several attempts to overhaul the Charter since it was adopted in 1924 have been unsuccessful, some 400 amendments have been approved by the voters. These amendments have greatly increased the size of the Charter to the point where this size has become an issue in current Charter Reform. We should not forget, however, that these many amendments point to a desire on the part of voters, as well as on the part of those who promoted the amendments, to embed municipal governance structures, procedures and regulations somewhere where the politicians cannot get at them without coming back to the voters. That situation is both a blessing and a curse, and it is ample proof that distrust of politicians is not a recent phenomenon.

2. All Politics is Local

To some, the possibility that Los Angeles' two Charter Commissions will offer up differing proposals to the judgment of voters in 1999 is the single biggest threat to re-writing the Los Angeles City Charter at this time. To others, the fate of the first attempt to re-vamp the Charter since the early '70s turns on what the Commissions will propose in an effort to involve the City's 100-plus neighborhoods in municipal governance and generally make City government more representative. It could very well be that both camps are correct. Indeed, in a recent editorial article in the Los Angeles Times, former California State Librarian Kevin Starr wrote: ". . . [T]he activists, ever itchy for their own advancement, postulate the *meshuga* notion of governing the city through a network of locally

⁴ The one notable exception was the 1930's administration of Mayor Frank Shaw. *Ibid*, RETHINKING LOS ANGELES, p. 59.

elected soviets in a *Walpurgisnacht* parody of local governance.”⁵

For most of the time since the current process began in 1996, it has been widely assumed that some form of neighborhood governance would be a part of the package, or packages, placed on the ballot. That was certainly a part of the 1969 recommendations of the appointed Reining Commission⁶ that were turned down twice by voters. Those recommendations included a provision for seven-member panels representing 30,000 residents each. This provision may well have played at least a small role in generating opposition from vested interests opposing a major Charter overhaul.

Nearly 30 years later, the perception that City Hall has become detached from those it governs and the captive of special interests whose interests rarely coincide with those of the public is certainly stronger than it was in 1969. Advocates of both Charter Reform and neighborhood governance have worked both together and apart to move their agendas. There is a natural synergy between them. One naturally begets the other, or so they say. And, since 1995, they have been joined by so-called secessionists in their advocacy. (The merits and demerits of secession are left to another forum for discussion.)

There is another school entirely, however, one that will at least make whatever comes of this debate as much a political matter as an academic one. The recent emergence of an organized resistance movement opposing neighborhood councils injects a bolt of energy into the discourse. This movement, comprised of business, real estate development and labor interests, has already threatened to make neighborhood councils a “litmus test” issue for any proposed Charter. It certainly has the means to do that. Whether it possesses the insight to recognize the potential backlash its efforts could entail remains to be seen.

3. Advise v. Consent

An influential leader of an influential City workers’ union, Julie Butcher, recently made the following comment: “It’s easy to see the *status quo* is both risky

⁵ Kevin Starr, “Who’s Standing Up for L.A.?” *Los Angeles Times*, Opinion, July 19, 1998.

⁶ See, CITY GOVERNMENT FOR THE FUTURE: REPORT OF THE LOS ANGELES CITY CHARTER COMMISSION (City of Los Angeles, July, 1969). The commission’s name comes from its chair, Henry Reining, Jr., who at that time was the dean of the von KleinSmid Center for International and Public Affairs at the University of Southern California.

and unsustainable.”⁷ It is not so easy to decide what to do about it.

The first threshold question being asked about neighborhood governance is whether it is necessary at all. After all, Los Angeles is already a vehicle for representative democracy, a tradition well established in the United States and widely touted as the most successful form of government on the planet, warts and all. Is there a need for an additional layer of local government?

The City Council and some of its individual members have come up with varying approaches to answering the question in the last decade. In the late '80s, the Council passed a resolution calling for the creation of Community Planning Advisory Committees (CPACs) to be appointed in each Council District and to work with the Planning Department on a Community Plan area basis.⁸ Several of the Council members have implemented versions of this concept with some success, including the 3rd, 6th and 12th districts (see below).

The most striking, and perhaps divergent, example is the Eighth Council District's "Empowerment Congress" (EDEC). Created by Council member Mark Ridley-Thomas, the EDEC is sophisticated and very active, primarily on an advisory basis. But it does influence the delivery of constituent services in a significant way – the Council Office has established a multi-departmental constituent service field office at the behest of the EDEC – and provides a vehicle for serious dialogue between the Council member and his constituents, as well as amongst themselves. It has drawn the attention of the media and the two Charter Commissions for this reason and because the Council Office has managed to fund the operation out of its own annual budget without seeking additional taxpayer funds.

Some have called the EDEC a mere "fan club" for the Council member, but such criticism appears to be over-stated. As with any community-based body that works closely with an elected official, there will always be a fine line between being advocates and adversaries. This is no less the case with the more conventional advisory panels in other Council Districts than it is with the EDEC. The real test

⁷ From discussion on "Which Way L.A.?" KCRW-FM Radio, June 12, 1998. Ms. Butcher is the general manager of Local 247 of the Service Employees International Union (SEIU), representing approximately 10,000 municipal workers.

⁸ The General Plan of a city is its land use constitution, and both the zoning and discretionary permits (*e.g.*, subdivisions, conditional use permits, variances) must be consistent with it. The General Plan is made up of several elements, including a Land Use Element. The Community Plans constitute the Land Use Element, each containing land use designations and street grids for 35 different areas.

is what happens when an advisory community panel disagrees with the Council member, and the jury will always be out on that question. What can be said about the EDEC is that it has "empowered" its participants, that is, it has given them a vehicle for interacting with their elected representative and for taking better advantage of services performed by City agencies.

The planning advisory committees and neighborhood councils in the other districts exhibit a range of structures and roles. Councilman Mike Feuer has initially opted to ask selected neighborhoods in his Fifth District to define their own structure and advisory duties relative to land use and City services. Eleventh District Councilwoman Cindy Miscikowski is currently creating a council in Brentwood in a more structured manner involving geographic zones and existing community groups and institutions. Twelfth District Councilman Hal Bernson, longtime Planning and Land Use Management Committee chair, has long had appointed land use committees. They inspired the 1988 Council action he authored calling for CPACs citywide. The Sixth District's Ruth Galanter, who was a member of the Planning Committee when it formulated the 1988 plan, took up the challenge, forming CPACs in each of her Community Plan areas. They have proven very functional. Councilwoman Laura Chick in the Third District has done her own variation on the Bernson/Galanter model. Other Council members, including Nate Holden (District 10) and Mike Hernandez (District 1), have experimented with various ad hoc forms of advisory committees.

To those advocating against neighborhood governance, the City Council should be the focus of increased, and arguably improved, representation. Depending on who is doing the arguing, proposals have been floated to increase the size of the Council to anywhere from 21 to 35 members. Doing so would decrease the number of constituents per Council District from the current 250,000 to anywhere from 100,000 to 180,000.

Based on the argument that the public does not want to "pay for more politicians downtown," the Los Angeles Business Advisors (LABA) insists that the budget for the 35-member City Council it recommends (based on a LABA-commissioned Rand Corporation study) should be no more than the budget for the current 15-member Council. Council member salaries would also be reduced proportionally, as would the size of their staffs and the extent of their perquisites.

The Valley Industry and Commerce Association (VICA) has endorsed a proposal to shift from Council Districts to the rough equivalent of boroughs, each with a "mayor" and an elected district-level council. These districts would send representatives to a 50-member citywide body and have been described as semi-autonomous for local decision making as well as revenue generation.

Another approach, recently proposed by the appointed Charter Reform Commission, is to enlarge the Council to 21 members *and* to create a mechanism for more grassroots input to municipal government. Pointing to the fact that other municipalities' neighborhood councils, such as those in Portland, Oregon, Dayton, Ohio and Birmingham, Alabama are limited to advisory functions,⁹ the Appointed Commission has formally voted to include in its Charter recommendations provisions for appointed neighborhood councils with advisory functions only.

An additional influence on the Appointed Commission's decision was the inconclusive verdict of a series of focus groups conducted for both the appointed and election Commissions across the City early this year.¹⁰ Participants in the groups could not reach consensus on what the duties and powers of neighborhood councils should be. The Appointed Commission and its staff took that as a cue. Also, the Commission prefers to leave the details of form, structure and procedures to be determined at a later time by City Council ordinance. A formal review process would be established to facilitate fine-tuning of the system after it had operated for a time.

A further hybrid is the Los Angeles Chamber of Commerce's proposal for 29 Council members plus appointed advisory neighborhood councils. The Central City Association is similarly inclined.

Given the apparent lack of agreement on this issue, there would seem to be merit in offering up a loose framework for neighborhood councils and leaving the details for later. Whether or not that concept is marketable to voters is highly questionable. There is much talk among charter commissioners and reform advocates of simplifying the Charter by moving many of its seemingly overly detailed provisions into the City's Administrative and Municipal Codes. But the simple fact is that Los Angelenos have chosen over the decades to write many regulations into the Charter to place them out of the reach of what they see as untrustworthy politicians. Leaving the structure and authority of neighborhood councils to those same politicians may not wash with wary voters.

With the support of homeowner and activist groups from far-flung reaches of the City, a majority of the Elected Charter Reform Commission has thus far opted for elected neighborhood councils with some as yet unspecified level of authority over an undetermined menu of issues. An initial consensus has been reached on putting the councils in charge of an amount of money earmarked for public services

⁹ Report by the Chief Legislative Analyst to the Los Angeles City Council's Governmental Efficiency Committee, March 30, 1998.

¹⁰ Focus Group Report, Fairbank, Mullin, *et al.*, April 1998.

in their respective jurisdictions. Through a very local, very public process, the councils would determine which neighborhood priorities would be funded to what levels. (This Commission has also tentatively decided to propose a 25 member City Council, with each member representing approximately 140,000 residents.)

The range of public services being considered for inclusion in this scheme is fairly broad, from filling potholes to staffing libraries to paying for additional police patrols. Some thought must be given to how such discretionary fiscal decision-making can square with the City's typical budgetary process. It implies that "outsiders" annually will be imposing their will upon the municipal bureaucracy in ways about which departmental general managers and staff can only speculate. And what if the neighborhood council in a given area changes its priorities from year to year, one year asking for street repairs, the next for longer library hours, the next for more police? It does suggest the possibility of a small-scale migraine for those charged with the long-term planning of municipal service delivery in a systematic manner. One business leader of some prominence, Eli Broad, chairman of Sun America Inc. and a member of LABA, has described such a situation in the following way:

"If you end up with 75 or more neighborhood councils in the city and if everyone could determine their library hours versus what to spend on tree trimming, you've got a nightmare . . . You've got chaos, anarchy . . . from an administrative and managerial point of view."¹¹

4. The British are Coming! or Who Will Control Land Use?

The questions discussed above are actually of minor consequence compared to the one considered the most explosive issue by forces opposing empowered neighborhood councils: whether to give neighborhood councils authority over land-use decisions.

In some ways, the debate over giving neighborhood councils land-use authority is a stalking horse for two of the more fundamental issues that motivated this round of charter reform in the first place. One is the community activists' desire to bring decision-making down to the street level ("reduce the power of downtown special interests"). The other is the business community's desire to simplify approval procedures ("cut red tape") and centralize more authority in City Hall, and more specifically, in the Mayor's office ("increase accountability"). Interestingly, both sides cite the need to de-politicize the process as a key motivation. In reality, it all

¹¹ Ted Rohrlich, "Charter Debate a Dilemma for Business Leaders," *Los Angeles Times*, July 12, 1998.

comes down to a question of whose politics will be removed from the process or at least subordinated to others' interests.

LABA and other supporters of more consolidated municipal authority probably have a couple of goals in mind: (i) simplification of the tasks associated with being lobbyists and purveyors of municipal influence, and (ii) enhancement of their roles in a civic leadership cadre vaguely reminiscent of the old Committee of 25 which was so influential in Los Angeles until just a few decades ago.

Many of these businesspeople have worked closely with Mayor Riordan in support of his drive to "eliminate red tape" from the City's permit processes. Some contributed funds to the campaign to qualify the initiative for the ballot which led to the creation of the Elected Charter Reform Commission. In some ways they are the very downtown special interests whose perceived hegemony over major decision making in City Hall motivated the community and Valley activists to pursue *their* agendas for charter reform and, for some, secession. Nonetheless, both the Appointed and the Elected Charter Reform Commissions have approved recommendations to shift power from the City Council to the Mayor in an oft-stated quest for achieving more accountability.¹²

Initially, LABA's leadership appeared disinterested in the notion that their interests might be at odds with those of the wider public, at least in terms of charter reform. They displayed a certain myopia in testimony during the Elected Commission's late spring hearing on neighborhood councils, sending a spokesperson to threaten a well-funded campaign against any Charter that included empowered neighborhood councils. While sticking to their opposition, their posturing softened as spring turned to summer. The group has participated in efforts to find common ground with those who support the councils, and some of its members are talking compromise, albeit reluctantly.¹³ However, their latest public stance, as of early August 1998, remained distinctly hostile to the concept of empowered neighborhood councils.

From a pragmatic standpoint, this alleged softening has major political ramifications. While business interests would likely mount the best-funded campaign on whatever side of a charter reform ballot measure they chose to advocate, they would also be an easy target for the barbs of their opposition. After

¹² It should be noted in this regard that no one seems to be paying more than token heed to what might or should happen when and if a future Mayor begins pursuing an agenda out of step with his or her campaign platform and/or the public's desires. Without the current Charter's checks and balances, it would be difficult for the Council or the public to respond.

¹³ *Ibid*, *Los Angeles Times*, July 12, 1998.

all, it is the specter of land developer and big business influence that has fueled several successful insurrectionist City Council and initiative campaigns in Los Angeles since the mid-1980s.

With the economy heating up again, development activity is following in step. A headstrong, big-money effort by business interests to scuttle charter reform could well come to resemble the sorry, sadistic, sight of pre-Revolutionary War British soldiers marching down the middle of a Massachusetts road while rebels sniped away at them from behind every tree and boulder.

5. Taking the Fifth

The discourse on giving neighborhood councils land use authority turns also on a couple of more arcane considerations. One is a fundamental notion of American Constitutional law, the other a more ephemeral argument over whether one can cut red tape while seemingly adding a layer of government.

When debating the pros and cons of neighborhood councils having land use authority, both sides seem to find it convenient to avoid acknowledgment that nothing the City of Los Angeles or its voters can do with regard to charter reform will repeal the Fifth Amendment to the United States Constitution. Not only does that Constitutional provision protect criminal defendants against being required to incriminate themselves, but it states that the government may not deprive a property owner of his or her property without compensation. Although the rules governing the application of the so-called "takings" clause are complex, and even though the government can regulate to a great extent, if government regulation "goes too far," the owner must be compensated.¹⁴ Neighborhood councils are subject to the "takings" clause too.

There are also a variety of other areas of law in which municipalities are pre-empted by state or the federal law. Neighborhood councils, motivated as some of their supporters are by a desire to act in the place of City Hall in the name of local control, may well run afoul of these pre-emptions upon occasion.

Fifth Amendment protections and the doctrine of pre-emption should, by all appearances, calm the nerves of the business interests who fear that powerful neighborhood councils can and will wreak havoc with civic life and destroy capitalism as we know it. But somehow they have not, at least not publicly, done so yet. The possibility that neighborhood councils with power to make decisions would be added as a new layer of local government, a new "hoop through which

¹⁴ *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 415 (1922).

business interests will have to jump," does not leave them sanguine in the least.

With the Elected Charter Commission moving toward elected, "empowered" neighborhood councils, it will provide the forum for addressing this issue most directly. Commissioner Chet Widom (Sixth Council District) has floated the idea of eliminating the mayor-appointed Board of Zoning Appeals as one way to strip one of the layers out of a government cake that would include neighborhood councils. Crafting other kinds of limitations on permit appeal rights, with the goal of deleting one step in the appeal process, would also address at least partly the question of whether empowering neighborhood councils would automatically add a burden to those trying to do business in the City.

As noted above, the Appointed Commission has opted for appointed, advisory neighborhood councils. It has also recommended a larger, more broadly representative City Planning Commission, increasing it from five members up to nine. No matter what its size and composition, the Planning Commission is and likely will continue to be a central player in many of the City's land use approval processes, especially code amendments, zone changes, specific plans and large subdivisions (creating five or more lots). Its role as an appellate body would, in the Elected Commission's scenario, probably have to be altered in order to accommodate the business community's concerns. Careful consideration would have to be given to the kinds of cases or appeals that would no longer be heard by the Commission.

Another possibility would be to take the City Council out of the process for certain appeal cases. Typically, despite the criticism it receives from community activists for seeming to bend to the will of monied interests, the City Council is often the last, best hope of local activists in land use disputes. Its tradition of deferring to the wishes of the Council member in whose district a project would be built means that protagonists or antagonists usually need only convince that Council member of the righteousness of their respective causes to get a favorable result. Of course, obtaining the member's agreement is not always a simple proposition. But it happens often enough to give pause to any advocate of limiting the Council's appellate role in a city with neighborhood councils.¹⁵

¹⁵ Without taking an actual count, it seems to this author from his experience working for a member of the Council that the homeowners "win" as often as do the developers. Neither side believes that because each side often takes the position that land use regulation is a win all or lose all proposition. The developer who seeks 100 units and ends up with 50 thinks he lost, while the homeowners, who wanted no new units in the neighborhood, feel that they were abandoned by their elected representative. From an objective standpoint, 50 may have been a good compromise, not too much for the neighborhood and yet something the developer could live with.

In contrast to the above, it could be also argued that, with a neighborhood council installed as the front line "gatekeeper," the community will have traded its sometimes ephemeral access to the City Council as a last resort for what should arguably be easy access to the neighborhood council as a *first* resort. Careful consideration of this prospect might lead a seasoned community activist to conclude that it would not be an improvement.

The business community, looking at these misgivings, could easily say, "See? That's what we mean! The activists will want the powerful neighborhood councils at the front end and the City Council at the back end, and we'll be stuck with another layer of government, another costly, time-consuming hurdle to clear, another disincentive."

6. Jumping Through Hoops in the Neighborhood Loop

The Appointed Commission's advisory council scheme could be enhanced by formally placing the neighborhood council in the earliest stages of the public process for a permit applicant and eliminating one step of the subsequent appeal process. The City Council members who currently sponsor functioning advisory councils, design review boards or congresses in their districts have generally insisted that would-be applicants take their projects to these bodies at some stage of the City process.

This insistence is that much more meaningful when the Council member follows the guidance of these advisory groups. There are many instances in districts with these bodies in which the "home" Council member will not support a project unless it has the approval of his or her advisory body. Some other Council members have less permanent or structured processes but retain similar attitudes about community opinion.

There are ways in which such neighborhood influence could be built into the City processes. For example, there is the "early warning" concept that has been described by the Chief Legislative Analyst.¹⁶ Once neighborhood councils were mandatory in the Charter, they could be made a mandatory part of the project review before an application goes to the first decision-maker. The councils' decisions, along with either a transcript or summary of their discussions and deliberations, would become a formal part of the case presented to each decision-maker up the ladder.

¹⁶ Chief Legislative Analyst's Report to the Los Angeles City Council's Government Efficiency Committee, April 8, 1998.

It seems likely that, if the neighborhood-level advisory decision were not far-fetched, contrary to some important, established policy, or unconstitutional, the decision would carry considerable weight before a Zoning Administrator, the Advisory Agency, the Planning Commission or whomever. Additionally, the home Council members would have just as much political motivation to pay close attention to the neighborhood councils' recommendations as they do now to those of advisory groups that already exist.

The idea of making neighborhood councils a formal, but advisory, part of the official land-use process could address the red-tape concerns of the business community while still bringing neighborhoods officially into the process. The majority of applicants who have actually taken projects to existing advisory councils sanctioned by Council members would probably admit that their subsequent hearing processes have gone faster and more smoothly than they otherwise would have. Why is this true? One reason is that early public review helps an applicant configure a project so it can move ahead with community support. Indeed, some developers already hold their own informational exchanges with neighborhood groups before even filing their applications.

Admittedly, some projects will always have detractors, but when an applicant knows that the neighborhood process is being taken seriously, much can be accomplished on both sides. Conversely, when a project opponent has failed to win the debate in front of the assembled community, he or she often is less likely to pursue a string of appeals simply for their own sake. Even obstructionists usually like to feel they have a constituency.

7. The Public Works

Another interesting arena for neighborhood input, whether it be through advisory or empowered councils, is public works. Few municipal functions have as much day-to-day impact on our daily lives, and few can raise as many hackles, as the labyrinthine activities of the Department of Public Works.

From alley vacations to street maintenance to sewers to street lighting and tree trimming, this department's jurisdiction has more interface with the people of the City than just about any other. In this author's experience, more City Council staff time is spent dealing with resident and business complaints about public works matters than those of any other department, City Planning included.

Most public works decisions are made *via* a complex process that does not often involve the actual public. Alley or street vacations, which typically take two or more years to complete, surface in a public setting several times, but almost no one knows that is happening. Most often, almost no one cares as well, but when

someone does, they usually care a lot. Yet, there are just enough such cases that neighborhood councils' involvement could come in quite handy.

The Department of Public Works' various bureaus have, over the years, become increasingly aware of the need to take public opinion into account in their decision-making processes. But none of them have a formal method for doing so outside of the public hearings mandated in the City's codes.

The problem with those hearings is that, in almost all but the most substantial infrastructure projects, the public notice requirements are minimal. Often they are limited to adjoining property owners. In the case of an alley vacation, that could mean that almost no one would know anything about a two-year old case until they suddenly no longer had access to a thoroughfare they had used for years or decades.

A modest broadening of the notice requirement and the establishment of a mechanism for routing cases of interest to neighborhood councils for an airing is an antidote that could provide a substantial public service to both the City and its residents. At the same time, it could hardly slow the City's processes down compared to the snail's pace at which most of them currently proceed.

8. One Man's Vision

The Thirteenth Council District's representative on the Elected Charter Commission is Bennett Kayser, an education administrator and community activist who serves as the chair of the Commission's committee on "A More Responsive City Government With an Involved Citizenry." In running for the seat and in serving in it, Kayser has never kept his preference for empowered, elected councils a secret. But, to his credit, he has presided even-handedly over an ambitious series of committee meetings and hearings during the first half of 1998. At these events, the interested public had ample opportunity to air its thoughts on the issues surrounding neighborhood governance.

On July 14, 1998, Kayser issued his own draft proposal for what he called "Community Councils."¹⁷ Under his plan, there would be 40 of these councils, representing an average of 85,000 residents each. Most of the councils would adopt the Community Plan area boundaries as their own, but a few of the larger Plan areas would be divided. Councils would be comprised of at least 11 elected members, who must be registered voters, each of whom would be limited to two four-year terms.

¹⁷ Bennett Kayser, letter on Community Councils, July 14, 1998.

Kayser proposed to grant the councils key land-use authority. They would replace several City Planning Department-based decision-makers, including the Zoning Administrator, the Board of Zoning Appeals and the Deputy Advisory Agency.

This latter suggestion may not be entirely feasible under the state Subdivision Map Act, which requires the Planning Director to hold sway over subdivision applications. The Deputy Advisory Agency, a Deputy Zoning Administrator, presides over a multi-departmental body that, in essence, screens the applications and makes recommendations to the Deputy Advisory Agency. That official in turn decides whether to approve or deny subdivision applications. The City legally may be able to substitute a Community Council for the Deputy Advisory Agency but, in doing so, would not increase the efficiency of the process. Realistically, the Community Council would need to consult with the various departmental representatives on technical matters anyway. Subdivision applications are complex and are not merely "political footballs" as it sometimes appears.

The proposal would also make the community councils responsible for Community and Specific Plan approvals as well as a variety of other land use decisions. Kayser makes no mention of the role he anticipates for the Director of Planning, the City Planning Commission or the City Council, nor does his proposal discuss procedural matters. In particular, it is not entirely clear whether he is proposing giving his community councils some initial role or whether they will have final decision-making authority in this regard. If the latter, his plan likely invites legal trouble, inasmuch as state law requires general plan elements to be adopted by a city's "legislative body," which in Los Angeles is the City Council.

Kayser's proposal also allocates relatively modest amounts of City funds to the community councils. The use of these funds would be decided by the community councils themselves, thus allowing the use of the funds to be determined at the local level. Additionally, he suggests that the councils serve as oversight entities for the implementation of bond measures and other programs affecting communities.

Like the Appointed Commission, the Elected Commission recommends the creation of a Department of Neighborhoods to serve a coordinating and staffing role for the neighborhood councils. While some have expressed concerns about adding to the City bureaucracy for this purpose, it appears obvious that if neighborhood councils are created, they will need not only the staff support this Department would offer but also the cooperation of the staffs of the existing City departments in order to carry out their functions constructively.

This Department of Neighborhoods idea has been circulating among various

City Council members and others for a couple of years. It equates directly to similar agencies in such places as Portland, Oregon and Birmingham, Alabama, where forms of advisory councils have existed for years, and where such a support agency has been instrumental in making them viable.

Again closing ranks with the Appointed Commission, Kayser also recommends a five-year review of the whole system. Recent experience in Santa Monica, California, suggests that revisiting these concepts may be a necessary constant. There a neighborhood support system of a different sort existed for a decade and was dismantled after an in-depth review.

While it is not exhaustive, Kayser's proposal is perhaps the most energetic assertion of the empowered, elected council concept to surface without trying to reinvent the entire municipal structure. His proposal synthesizes many disparate elements into a thoughtful whole. Its failure to come to grips with the Subdivision Map Act or to even address the public works process in any serious way are reminders of how difficult it will be to finish the job of conceptualizing community governance.

9. Down in the Valley

As noted earlier, after studying the issue in considerable depth over the course of a year, the influential Valley Industry and Commerce Association (VICA) is backing a proposal put forward by Valley civic leader David Fleming to create 15 semi-autonomous municipal districts, each with its own "mayor" and council. These district councils would each place members on a 50-seat citywide council that would deal with issues defined as being citywide or regional.

Fleming is a prominent activist who serves on the California Transportation Commission and worked closely with Mayor Riordan on the project that ultimately led to the creation of the Elected Charter Reform Commission. His late spring announcement of the proposal subsequently embraced by VICA provided Valley business leaders with a platform unique in the neighborhood governance debate. It addresses some of the impulses fueling the secession movement, it trumps the neighborhood activists' preference for empowered councils and it challenges the hegemony of downtown interests over what constitutes the conventional wisdom of the business community.

Fleming recently told the leading Valley secessionist group, Valley Voters Organized Toward Empowerment (Valley VOTE), that his scheme also should be

a centerpiece of their platform.¹⁸ He argued that its principles would apply equally to a Valley municipality as they would to the whole of Los Angeles. He might well have argued they would be a *more* seamless fit in a newly organized municipal structure than in a pre-existing one into which they were forcibly injected.

In several ways, the Fleming scheme is the most radical proposal to come out of the neighborhood governance discussion. It dramatically enlarges and weakens the body that would take the current City Council's place in the policy setting arena. As noted above, it seriously empowers communities at the district level, giving them authority over a wide range of civic decisions. This, in turn, would have a major impact on the City's budgeting, infrastructure planning, land use planning and policy making processes.

As with most of the neighborhood governance scenarios, it is not clear how smoothly Fleming's concept would actually function. But it is fair to speculate that it would work better as a start-up mode of governance than one to which the existing City had to adapt. Perhaps that is what Mr. Fleming really had in mind anyway.

10. Following in Their Footsteps

As stated above, Los Angeles is certainly not the first American city to experiment with neighborhood governance. Portland has had its own quarter century experience with the concept. The Executive Director of its Office of Neighborhood Associations testified at an early hearing before the Appointed Commission. Summing up her city's experience, she said, "Fundamentally this is not about power, it's about connecting people to people on a block by block level."¹⁹

Established in 1974, Portland's Office of Neighborhood Associations (ONA) is viewed by many as a successful example of a vehicle for matching strengthened neighborhoods with more responsive central municipal government. The system does not dictate a top-down structure. Rather, it has guidelines for empowering grassroots groups and a mechanism for allowing them to form coalitions that are even more influential.²⁰ During the time since ONA was created, Portland has

¹⁸ Deborah Sullivan, "Fleming Shares Valley Vision," *Los Angeles Daily News*, July 16, 1998.

¹⁹ Diane Linn, testimony before the Appointed Los Angeles Charter Reform Commission, November 25, 1997.

²⁰ Staff Report, Participation Study Group, Appointed Los Angeles Charter Reform Commission, June 23, 1997.

successfully built a popular light rail system and established unique anti-sprawl regulations, achievements beyond the reach of Los Angeles during the same era.

In 1975, New York City took a completely different tack. Under the direction of a State Charter Revision Commission, the city formed 59 community boards of up to 50 members each. These boards are appointed by borough presidents and City Council members. They are served by district managers, who act as administrators and as staff for the boards. Board powers are advisory, but it is estimated that more than 80% of their land use recommendations are followed by official decision makers. While boards in upper and middle class neighborhoods have arguably been more effective than those in lower income neighborhoods, New York's community boards generally have succeeded in improving the quality of resident participation as well as the responsiveness of the municipal government.²¹

Birmingham, Alabama has a three-tiered system based in 95-plus officially recognized neighborhoods, each of which elects a neighborhood association every two years. Several neighborhoods comprise broader communities, each of which sends a representative to the citywide Citizens Advisory Board (CAB). The associations have authority over block grant allocations in their neighborhoods and have proven effective at solving local problems. They are also credited with being one of the first official institutions in Birmingham to bring whites and African-Americans together to work on a common vision for the city.²²

Other cities, including Washington, D.C., Dayton, Ohio and St. Paul, Minnesota, have their own variations. All of them are cited by the authors of *THE REBIRTH OF URBAN DEMOCRACY*²³ as relatively effective models of neighborhood governance: "A decentralized city government, with considerable authority placed in the hands of the neighborhoods, represents a sensible compromise between the realistic needs of efficiency and scale for some services and the requirements of participatory democracy. . . . The primary decision making tool in neighborhood associations is, quite simply, discussion among the community residents who attend the regular open meetings. Thus neighborhood associations are institutions that are well suited to the face-to-face interaction that can nurture cooperative behavior."²⁴

²¹ *Ibid*, Staff Report, June 23, 1997.

²² Jeffrey M. Berry, Kent E. Portney, Ken Thomson, *THE REBIRTH OF URBAN DEMOCRACY* (Brookings Institution, 1993), pp. 12-14.

²³ See footnote 17.

²⁴ *Ibid*, *THE REBIRTH OF URBAN DEMOCRACY*, pp. 12-14.

In Los Angeles, where a number of City Council members have already created advisory bodies especially in the realm of land-use, the experiences are similar, if not as far-reaching in scope. The advisory bodies tend to have as much power and credibility as they earn by being responsible and responsive and with which they are vested by elected officials who take them seriously, *when* they do take them seriously.

Raphael Sonenshein, Executive Director of the Appointed Commission, has noted that REBIRTH itemizes five keys to successful neighborhood democracy:

- (i) A political movement calling for it.
- (ii) A strong, early commitment from government officials to make it work.
- (iii) Significant powers given to neighborhood associations over important policy matters.
- (iv) Adherence to "natural" patterns of neighborhoods in drawing boundaries.
- (v) Adequate resources and staff support.²⁵

Sonenshein also added that neighborhood democracy programs should not over-reach if they were to avoid disappointing the public.²⁶ The apparent conclusion, and one that the authors of REBIRTH certainly drew, is that neighborhood governance works. The Appointed Commission, at least at the staff level, clearly derived some inspiration for its cautious, moderated recommendation from these sources and from the experiences of other cities.

Regarding both that caution and moderation, it is understandable that the Appointed Commission chose to trek down a well-worn path in choosing an advisory model for neighborhood democracy. But, to one degree or another, the leading municipal examples of neighborhood governance all have distinctive features that set them apart from each other. In other words, those cities were willing to take chances. Portland gave its associations the power to be official appellants in land-use cases. Birmingham's neighborhood councils supplanted City Hall as the arbiter of Community Development Block Grants at the neighborhood level. It could be argued that Los Angeles' destiny should be to grant its neighborhood councils some authority, or at least a guaranteed place in the formal

²⁵ *Ibid*, Staff Report, June 23, 1997, citing to THE BIRTH OF URBAN DEMOCRACY, pp. 12-14.

²⁶ *Ibid*, Staff Report, June 23, 1997.

process, and see where that potentially important innovation leads.

11. Where to Draw the Lines

Drawing the boundaries of the districts that would be represented by neighborhood councils is fraught with the same perils and issues facing those who dare to draw political boundaries at any level of any jurisdiction. First and foremost are the constraints imposed by the Equal Protection Clause of the Fourteenth Amendment and the Federal Voting Rights Act,²⁷ which require equal population, non-dilution of minority voting strength and balance, compactness and other qualities designed to ensure fairness and avoid discriminating against any one segment of the population. Then there are the politics.

In Los Angeles' neighborhood governance debate, the priorities required by the Voting Rights Act are complicated by something that has been elevated to the top of the agenda: respect for the perceived geographical boundaries of existing communities and neighborhoods. Combined with the perceived remoteness of City Hall from the City's neighborhoods (both physically and psychologically) is the lament that too many communities are divided up among too many Council Districts. Van Nuys, with no fewer than five Council Districts containing parts of the community, is often cited as a "poster child" for disenfranchisement. Others include Crenshaw, split among three Districts, Mar Vista also in three, and at least a dozen others in two.

On top of this is the argument, offered primarily by Valley secessionists, that more than half of the seven Council Districts representing the Valley also represent portions of the City south of Mulholland Drive. Thus, it is said, the Valley's political clout is diluted and that it is chronically short-changed in every imaginable way by City Hall.

There could be something to these contentions. A neighborhood or community divided among several Districts must pursue its civic agenda along several political avenues, not simply go to its one Council member for help. Of course, this also means that residents in different parts of the community could each go to their own Council member. It is always possible that the adjacent Council members could have differing agendas on issues facing the community. However, it is equally possible that the Council members will be eager to team up to provide energetic leadership on behalf of the community.

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²⁷ This Act would be implicated only if the neighborhood councils were given some type of decision-making authority.

The concern about divided neighborhoods does not take into account the tendency of City Council members to be very protective of neighborhoods in their districts in most situations. Council members in Los Angeles tend to be fairly responsive to community activists and their organizations because those people are the opinion leaders and most reliable voters. Alienating them is not good for an elected official's political health.

(Prior to the imposition of term limits on the City Council, determining a member's likely life-span on that panel was a process of alienating neighborhoods one by one [usually through land use or infrastructure decisions, or general unresponsiveness] until one too many neighborhoods turned against the incumbent. The process, if it were going to happen at all, typically would take up to 15 years (three or four terms) as former Council members Pat Russell, Joy Picus and Joan Milke Flores can attest. With a two-term limit, it appears likely that no incumbent Council member in the current City configuration can alienate a sufficient number of constituents to be defeated after only one term in office. The picture is pretty much the same for the Mayor and the other citywide officeholders. This, however, is not an argument for simply electing them all to one eight-year term, even if it is the functional equivalent thereof.)

The effort to define an appropriate format for neighborhood governance has seen a variety of council district boundary proposals put forth. Commissioner Kayser, as noted above, has opted for Community Plan area boundaries. Others, including Council member Jackie Goldberg, have suggested schemes involving dividing up the existing Council Districts into sub-sections. The Fleming plan uses the existing Council District boundaries. The Appointed Commission's proposal focuses on neighborhoods and specifically advises against adhering to current political boundaries.

Another concept, applicable to elected councils, would have each neighborhood council member represent the same number of people, and the number of members per council would depend on other factors such as keeping communities intact. Whether this latter approach passes strict Voting Rights Act muster is a matter for further review, but it provides a method of addressing other issues and as well as a means for using pre-existing defined areas (such as Community Plan areas) that are not equal in population.²⁸

Ultimately, any decision on where to draw these lines will be co-mingled with decisions on how many councils are to be formed and how they will be expected

²⁸ Testimony of author, Elected Los Angeles Charter Reform Commission, Committee on a More Responsive City Government with an Involved Citizenry, April 7, 1998.

to relate to and interact with neighboring neighborhood councils and the City as a whole. If the councils are to be elected, the Voting Rights Act will play a major role in the matter, making it every bit the technical and political football the drawing of Council District boundaries has long since become.

Although there is no way of telling for sure until the political map-makers sit down with their census data and computerized mapping software, completely satisfying the demand that no neighborhood or community ever be split up is probably impossible. The clamor surrounding the issue probably is out of proportion to anyone's actual inclination to divide communities and leads one to wonder whether those fixating on it can be realistic when it comes to Voting Rights Act compliance. The bottom line is that, if the fundamental issues of role and responsibilities, and the number and size of the councils are attended to, the question of where to draw the boundaries will probably answer itself.

12. Cash, Check or Money Order

An oft-heard complaint about neighborhood councils and a Department of Neighborhoods is the cost. Unlike expanding the City Council, whose expense could be justified by saying that the same budget line item (even if not the same budgeted amount as currently) would simply be spread among more districts, neighborhood governance on a citywide basis is a "new government program" requiring new line items.

Depending on how the implementation of neighborhood councils would affect the operations of entities such as the Planning Commission, Zoning Administrator and Board of Zoning Appeals, whatever savings might be generated could be reinvested to fund the new operations.

The Director of Planning would, and should, argue that any savings should be kept in the Planning Department to deal with existing unfunded needs in the department and to provide necessary staff support for the neighborhood councils. The latter would probably meet at night, and departmental staff attendance would require overtime payments. Existing department budgets do not account for the staffing needs and the explosion of overtime that staff attendance at dozens of council meetings would engender.

Creating a Department of Neighborhoods would, in and of itself, not be inexpensive. But, in the grand scheme of Los Angeles City multi-billion dollar budgets, the projected expense would be relatively minor. The annual cost of staffing existing community and neighborhood operations in other large American cities ranges from around \$4 million (New York) to more than \$10 million (Portland). This amount does not include the cost of maintaining community

offices or providing discretionary budget funds for the councils to use on local services. If replicated in Los Angeles, the Dayton, Ohio Division of Citizen Participation model, which supports a series of "Priority Boards" representing 26,000 people each (not unlike the 1969 Reining Commission proposal for Los Angeles), would cost about \$25 million for staff alone, with another \$10 million for block grants to the boards and additional funds for neighborhood offices.²⁹

Business community opponents of neighborhood governance point to these kinds of potential expenses as a key reason why it is a bad idea. It is probably safe to say, however, that the public might well prefer spending \$30 million a year on neighborhood governance than, for example, on lawsuit settlements, chronic infrastructure project cost overruns and a costly series of contracts for consultants to study how City departments can be made to run more efficiently.

13. Which is Better, Sailboats or Peanut Butter?

Former U.S. Senator Gary Hart once said, "More is not better, less is not better, *better* is better."³⁰

Many community activists are probably unaware of just how good they have had it not having to take *responsibility* for difficult decisions in the public policy realm. True, it sometimes is difficult to even take a position on a complex issue, so activists have at least had to come to grips with that. Many also have to make tough decisions every day in their work and with regard to their families and personal lives. Still, in this author's opinion, those personal decisions do not necessarily prepare them for what some of them would be faced with as members of an empowered neighborhood council – taking responsibility for something that affects others, their futures and their fortunes.

Do those advocating empowered councils take this into account in their ardent advocacy? They seek the power to say "no" to the proposed mini-mall or recycling center on the corner, but how many have thought much about the wide range of other things a council may be expected to do, things that may be considerably more

²⁹ *Ibid*, Chief Legislative Analyst's Report, March 30, 1998.

³⁰ Gary Hart, commenting in various political speeches regarding national defense, 1986 (from the author's files).

vexing and less satisfying?³¹

Many of them also imagine that neighborhood councils will have little or no effect on the influence of existing neighborhood and community groups in City Hall. In reality, the entire power dynamic is likely to change in profound ways. Experience with existing advisory bodies shows that City Council members likely will be inclined to deflect community issues to the neighborhood councils in their districts. They may well try to use the councils as mediators and as a layer of insulation between themselves and neighborhood conflict.

Some community groups that once had direct access to the Council members may find that access throttled back as they are expected more and more to work their issues through the neighborhood councils; this has already happened in Council districts that employ some form of neighborhood decision making. It likely will not be fatal to the stronger, more resourceful community groups, but it alters the manner in which things get done and changes the balance of power in the community.³² The proverbial doctrine of unintended consequences may well come into play.

The two Charter Reform Commissions (one with the help of the City Council) will define the scope of debate on neighborhood governance leading up to the 1999 election when their proposals are likely to be on the ballot. The Appointed Commission has opted for appointed, advisory neighborhood councils. As of this writing, the Elected Commission appears ready to move toward empowered councils, probably to be elected. The two commissions are working together to eliminate discrepancies in their recommendations in the hope of avoiding the placement of competing Charters on the ballot in 1999, so their final proposals remain to be determined.

There is something to be said for the wisdom of the Appointed Commission's cautious recommendation, especially in its decision to omit the details, form a Department of Neighborhoods to address those details and require a periodic review of the system. The focus group finding of a lack of consensus as to purpose certainly suggests that criterion number one, namely a political movement supportive of the scheme, as prescribed in *THE REBIRTH OF URBAN DEMOCRACY*,

³¹ These comments are in no way meant to belittle either the dedication or hard work of community advocates, nor the value of their contributions to public debate. Indeed, some of them have already served on City boards and commissions, both advisory and decision-making. Those who have probably know that there is a difference between advocating a position from the floor and making decisions on the dais.

³² *Ibid*, testimony of author, April 7, 1998.

has not yet been met.³³ However, as we have previously noted, that approach is politically problematic; the electorate is likely to view the combination of advisory councils and few structural and procedural details as a pig-in-a-poke.

Pragmatically, deferring the decision on the final shape of the neighborhood council system makes a lot of sense. If keeping verbosity and excessive detail out of the Charter is truly a goal of this process, the details of neighborhood governance are best placed in the Administrative or Municipal Code. If these details are not pertinent to whether the basic idea should be embraced, they can wait until the voting public has rendered its threshold judgment.

A detail the Appointed Commission must address is how to guarantee that these things take place in a serious fashion and where the advisory councils fit into the larger scheme of City government. Advisory councils can be valuable, powerful tools for empowering neighborhoods and improving the quality of municipal decision making if their role is formally acknowledged. That role should include a place early in the land-use approval process for every kind of discretionary decision, plus a formal place in the Community and Specific Plan amendment, drafting and approval process.³⁴

The same is true for appropriate kinds of infrastructure decisions, citywide ordinances and other municipal decisions.³⁵ Whether this role should augment or replace existing steps in the process is less clear. But if the goal of not complicating the City process is genuine, then replacement should take precedence over augmentation, and the Commission should make clear what step is being replaced.

Neighborhood councils need not have specific authority to wield considerable influence. The public, however, does not trust the elected officials to voluntarily give such influence to them on a regular basis, and rightfully so. This should be built into the system created in the proposed charter written by either commission.

Whatever the Elected Commission decides to do about offering authority to neighborhood councils and whether they should be elected, the same underlying principles should apply. The authority should be exercised at the beginning of whatever the process the council is taking part in and it should replace a step

33 *Ibid*, THE REBIRTH OF URBAN DEMOCRACY , pp. 12-14.

34 *Ibid*, testimony of author, April 7, 1998.

35 *Ibid*.

currently existing in that process.³⁶

(Something that should be a part of any neighborhood governance format, though not a part of the Charter, is orientation and training for members of whatever bodies are created. Those who would serve on these bodies may well have little or no experience being part of an official decision making entity. [If they do have experience with the system, it might well be either as obstructionists or uncritical "rubber-stamps." Of course, many members might also be very informed, flexible and creative, or will certainly become so over time.] For a council to function effectively, some schooling of its members in procedures, rules of order, mediation and decision-making methodologies would be more than helpful. To access and acquire the technical expertise they will need to make informed decisions, they will have to depend on amassing experience, listening to community and expert input, and obtaining the aid of City staff.)

Various parties, including VICA, the "Neighborhood Councils Movement," LABA, various elected officials and individuals and the media have invested a great deal of time and energy in the ongoing debate over how best to incorporate neighborhood governance into a new charter. Tellingly, no matter what form of community participation they favor, all but one of these players have embraced the need for some version of it to be included. In the fractured, troubled metropolis that is Los Angeles in 1998, that constitutes consensus.

To borrow, and to mix, some old and venerated clichés, the Devil is in the details. For Charter Reform 1999-style, it remains to be seen whether the public is ready to give the Devil his due. In the meantime, the Charter Reform Commissions really have no choice.

³⁶ *Ibid.*