

April 23, 2004

Re: Interpretation of the word "ADVISORY" in the context of  
the Citywide system of neighborhood councils

Dear Ms. Beck:

On behalf of Los Angeles City Attorney, Rockard J. Delgadillo, I am responding to your letter seeking an interpretation of the word *ADVISORY*.

You mention in your letter that the members "in the Venice Neighborhood Council as well as in the Westchester NC" are using the term *advisory-only* to suggest that the neighborhood councils are not "empowered"; that is, have little influence or authority in the decisions made on City issues. However, as discussed in greater detail below, the neighborhood councils within the citywide system of neighborhood councils are empowered to influence City decisions.

To address your question, it is helpful to provide you with background information. The genesis of the citywide system of neighborhood councils is the City's Charter, effective July 1, 2000. Article IX of the Charter created the citywide system of neighborhood councils and the Department of Neighborhood Empowerment to support it. Specifically, the neighborhood council system was established "[t]o promote more citizen participation in government and to make government more responsive to local needs ...." Los Angeles City Charter, Article IX, Section 900.<sup>1</sup> The Charter mandates that neighborhood councils "shall have an advisory role on issues of concern to the neighborhood."<sup>2</sup> *Id.* (emphasis added). The City's Charter also specifies that "[n]eighborhood councils shall monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments, subject to their reasonable availability." LACC, Art. IX, Sec. 910.

In the scheme of the City Charter, this monitoring and advisory role for neighborhood councils contrasts with the paramount role of the Mayor as the City's Chief Executive Officer and the City Council as the legislative body empowered to pass laws [ordinances], resolutions, and orders upon matters of municipal concern. LACC, Art. II, Sec. 240. However, despite the neighborhood councils subordinate position in this citywide system, their function is no less important than that of other City boards, commissions, councils and committees. In comparison to many other City boards, the neighborhood councils have broader jurisdiction to advise City leaders on a myriad of issues, including the right to "present to the Mayor and Council an annual list of priorities for

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<sup>1</sup> Hereafter, all citations are to the Los Angeles City Charter. It is cited by abbreviations as follows: Los Angeles City Charter ("LACC"), Articles ("Art.") and Sections ("Sec.").

<sup>2</sup>Black's Law Dictionary defines the word *advisory* to mean counseling, suggesting, or advising, but not imperative or conclusive.

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the City budget.” LACC, Art. IX, Sec. 909. In fact, the City Charter mandates that “[t]he regulations shall establish procedures for receiving input from the neighborhood councils prior to decisions by the City Council, City Council Committees, boards, and commissions.” LACC, Art. IX, Sec. 907. And, “[s]ubject to applicable law, the City Council may delegate its authority to neighborhood councils to hold public hearings prior to the City Council making a decision on a matter of local concern.” LACC, Art. IX, Sec. 908. [emphasis added].

All said, Article IX of the Charter, applicable regulations, and the Citywide Plan for a System of Neighborhood Councils are designed to give deference to the representative advisory actions of the neighborhood councils and to empower them. Here, within this citywide system, the word *ADVISORY* means that the neighborhood councils are entitled to weigh in on City business before decisions are made and are expected to bring issues of community concern to City departments and leaders. Thus, while advisory bodies by design, an effective neighborhood council can serve as the crucible by which representative decisions are ultimately made and the voice upon which elected officials rely.

Please contact me at (213) 978-2236 if you have any questions about the matter here discussed, or any other concerns.

Sincerely,

Peter Nelson King  
Deputy City Attorney

cc: File  
PNK/mg  
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