

Date: January 31, 2002

To: Neighborhood Council Leaders

From: Greg Nelson, General Manager, Department of Neighborhood Empowerment

Re: Governing Board Options

With the assistance of the City Attorney's Office, the Department of Neighborhood Empowerment has been developing various options for electing or selecting governing boards that would pass legal muster.

Some of the applications we have been receiving include serious legal problems. We are trying to go beyond just telling applicants that they have a flawed application, and help them with some possible alternatives.

Understand that the Charter allows Neighborhood Councils to determine the method through which their members are chosen as long as it doesn't violate the law, which includes other provisions within the Charter. The City Attorney reviews the proposed bylaws, and alerts us to possible illegalities. We then work with the applicant to correct the problems.

As you can understand, the process would be clearer if the city were to have dictated a "one-size fits all" system for operating as a Neighborhood Council. But throughout the five years of the development of this system, the decision-makers agreed that a single system couldn't work for everyone, and that we didn't want a system that was dictated from the top down. So now different methods of governance are bubbling up from the grassroots, and each one is being examined to ensure that doesn't violate the fundamental guarantees of the City Charter, the First Amendment, and the provisions in our implementing ordinances.

Here are some options that the DONE staff and the City Attorney's Office are comfortable with:

NEIGHBORHOOD DISTRICTS:

Divide the Neighborhood Council area into several districts. Define them clearly on a map.

Try and apply some reason for where the boundaries are drawn. Avoid drawing the lines for the purpose of trying to exclude or dilute the voting power of an obviously significant stakeholder group. Perhaps use historically-defined neighborhoods, or boundaries such as ridges, canyons, railroad tracks, and freeways. Consider using areas that you have designated for your outreach efforts.

You could even create districts around dense commercial or industrial areas, for example, so that those who work or own property there would have a good opportunity to have a seat on the governing board through the open election process.

Each district doesn't have to have the same number of seats. You might want to create a differential because some areas have significantly more stakeholders in them. For example, the smallest district may elect one person to sit on the board. A district that has many more

stakeholders may elect two or three persons. You decide.

In this situation, all of the stakeholders inside each of those districts are allowed to vote for their choice to represent them on the board. People vote only inside their district.

At this point, the City Attorney doesn't know of any laws that would prohibit a Neighborhood Council from either (1) allowing each stakeholder to cast only one vote in a governing board election even if they work in one district and live in another, or (2) allowing such a person to cast a vote in both the district they live in and the district they work in. Your choice.

At a minimum, a stakeholder is anyone who lives, works, or owns property inside the district. Each Neighborhood Council could expand the definition of "stakeholder" to include other stakeholders, such as the parents of children attending schools in the area, etc. DONE encourages Neighborhood Councils to be more inclusive, and go beyond the Charter's minimum requirement. See the ordinance for other stakeholder groups recommended by the City Council.

If votes are taken at general assembly meetings, all of these stakeholders must be allowed to vote.

FILL SPECIAL INTEREST GROUP SEATS THROUGH ELECTION

Determine which special interests groups should have a seat on the board, e.g., environmental groups, small businesses, unions, youth groups, etc. Determine the qualifications for someone to be a candidate, e.g., a full-time student age 16 or older for the student seat.

All stakeholders in the entire Neighborhood Council area vote for the candidates for all seats.

FILL SPECIAL INTEREST GROUP SEATS THROUGH SELECTION (OR CAUCUS)

Determine which special interests groups should have a seat on the Board, e.g., environmental groups, large businesses, unions, youth groups, etc.

Identify, the best you can, how you're going to contact the groups that would comprise each category. Realize that you might be criticized in your attempts, for instance, to contact all the places of worship and faith-based organizations, and because you forgot one.

Let the organizations within their category decide, on their own, who will represent them on the board. They determine the how they pick their representative.

Determine who within each category of groups will notify you of the choice, and give them a deadline.

ELECT THEN SELECT

The bylaws list which stakeholder (special interest) groups the Neighborhood Council would ideally like to see represented on their Board. A wish list.

First, choose part of the governing board through the election process. At-large, by districts, or a combination.

By a deadline prescribed in the bylaws, this partial governing board would examine whether or not the election produced the diversity that the bylaws had hoped for in order for them to have the diversity that will help them achieve the maximum amount of power and influence.

The bylaws would prescribe that this “Starter Board” would not be allowed to conduct any other business until they complete the process of filling the balance of the board seats through a selection process. This could involve the board members doing the selecting, or letting the groups, as mentioned above, do the selecting.

SUMMARY:

Whichever method, or combination of methods is used, the City Charter requires that applicant describe their method of choosing their governing board. Even if there wasn't this requirement, you'd want to do so in order to make your election procedures clear to all, and keep yourselves out of controversy.

Feel free to contact your Project Coordinator with questions.