

PRELIMINARY RECOMMENDATIONS OF THE NEIGHBORHOOD COUNCIL REVIEW COMMISSION
Adopted for Public Review June 19, 2007

I. VISION FOR THE SYSTEM OF NEIGHBORHOOD COUNCIL

Preliminary Recommendations:

1. The systems of representation and participation are complementary.
2. The neighborhood council system recruits and retains people who have the qualities that make participatory democracy successful.
3. Selection and/or election systems contribute to the recruitment and retention of people who have the qualities to make participatory democracy successful.
4. Participation in the neighborhood council system is broad and inclusive.
5. Neighborhood councils work together for common purposes and with other community groups.
6. Neighborhood councils reflect the needs, views, and opinions of the communities they represent, and empower all voices to be heard.
7. Neighborhood councils have influence within the city government.
8. Governance and day-to-day operation of the system contribute to effective community work, rather than bureaucracy, while maintaining accountability.
9. The system develops and retains a long-term vision and purpose.

II. POWERS & ROLES

Comments: The Commission decided that Neighborhood Councils should continue to play an advisory role in decisions made by the City government. However, the Commissioners also determined that this advisory role should be influential. They adopted “structures of influence” by which the advisory authority of Neighborhood Councils could be more effective. The Commissioners adopted a range of recommendations to make sure that Neighborhood Councils have ample warning of upcoming decisions, develop close ties with City departments, and get feedback on what happened to Neighborhood Council advice. The Commission also decided that if three Neighborhood Councils agree, there should be the opportunity to open a Council file so that there is a public record of the progress of an issue of concern to Neighborhood Councils.

Preliminary Recommendations:

- *Neighborhood Councils as Advisory Bodies:* Neighborhood councils shall remain advisory.
- *Neighborhood Councils as city entities:* Neighborhood Councils shall continue to be considered as City entities. Consistent with the recommendations of the NCRC in such areas as elections and fiscal administration, the City shall make every effort to implement the structure of the Neighborhood Council system so that unnecessary bureaucratic requirements are not placed on Neighborhood Councils, recognizing that Neighborhood Councils are not traditional City agencies.

- *Formal Input from Neighborhood Councils in the form of Council Files:* The City shall facilitate the filing of Council files by Neighborhood Councils when submitted by three Neighborhood Councils. This shall be a two-year pilot project and it shall be evaluated.
- *Structures of Influence:*
 1. The methods of providing formal information to Neighborhood Councils shall be upgraded, simplified, and made as user friendly as possible.
 2. Agenda items shall be searchable by topic and area, and shall be capable of being followed online.
 3. The progress of Community Impact Statements through the City system shall be easy to track.
 4. City agenda items shall list the affected Neighborhood Council(s).
 5. The mayor shall strongly encourage general managers of City departments to identify in advance decisions that may require community input and to effectively notify Neighborhood Councils.
 6. DONE shall continue and expand its voluntary training sessions on how City Hall works, and on how to access City Hall. There shall also be training for City employees on communicating with Neighborhood Councils. These sessions shall also include “cross cultural communications” training between Neighborhood Council members and City employees.
 7. Formal communications to the City Council (Community Impact Statements) shall be logged by the City Clerk. The City shall establish a system to automatically send electronic notices to persons who have requested such notice whenever there is activity on a Council File.

8. The opinions of NCs on land use decisions shall be formally noted by the appropriate decision maker in the written decision. DONE, Los Angeles Housing Department (LAHD) and the Department of City Planning shall make presentations to NCs to educate about the land use process and the various housing needs in the city.
9. In order to enhance public comment from stakeholders, the City shall identify funding for remote public comment at full Council meetings and City Council committee meetings, if possible, in more areas around the City. If it is not found to be financially feasible, another live method such as phone or Internet may be used.
10. Chief administrative officers of City departments, offices, and commissions shall be required to develop procedures, ideally with the participation of Neighborhood Councils, to enable NCs to influence decisions made by that department, especially decisions affecting programs, activities and spending. Among the tools that chief administrative officers shall be encouraged but not required to utilize are Memoranda of Understanding (MOUs).
11. Chief administrative officers shall be required to report to the Mayor and City Council on an annual basis on the extent of cooperative efforts with Neighborhood Councils. This report shall also include comments by representatives of Neighborhood Councils.

III. GOVERNANCE

Comments: The governance structure determines who does what in the Neighborhood Council system. The Commission concluded that the roles of the various parts of the governance system were out of whack and needed to be rethought. The Commission decided that DONE has had a confusing identity of both friend and overseer; DONE's role, according to the Commission, should be primarily supportive. The rules that City Hall has imposed on Neighborhood Councils may have made the system more bureaucratic than it should be. As a result, the Commission voted to recommend that the best aspects of the Brown Act should be incorporated into a new Sunshine Law for Neighborhood Councils that would allow greater flexibility for these volunteer organizations. Furthermore, Neighborhood Councils should be as self-governing as possible. For that reason, the Commission recommended that a grievance procedure be established that places the main authority in peer evaluations by members of Neighborhood Councils. Finally, BONC's role has been largely undefined. The Commission recommended that BONC be a quasi-judicial authority as well as a proposer of new policies for the system, with its deliberations conducted in public with opportunities for significant input from Neighborhood Councils. While DONE's role should be primarily supportive, it can and should play an active secondary role in oversight of the Neighborhood Council system.

Preliminary Recommendations:

- *Neighborhood Councils and Regional and Citywide alliances:* The Plan shall be amended to recognize the right of Neighborhood Councils (NCs) to join together in regional and citywide alliances.
- *DONE role:*
 - DONE shall have as its primary role one that is facilitative and supportive to NCs.

- As long as its primary role remains assistance to Neighborhood Councils, the Department of Neighborhood Empowerment (DONE) shall have primary responsibility for the oversight of and implementation of services to the Neighborhood Council system. As part of this role, DONE shall receive notice of grievances under the system proposed by the NCRC. Oversight and services shall include but not be limited to: education programs, counseling, mediation, promotion of best practices, voluntary training. DONE shall also provide focused assistance to Neighborhood Councils experiencing operational and/or functional difficulties. DONE shall also make recommendations for adjudication to BONC.
- *BONC*: The Board of Neighborhood Commissioners (BONC) shall play a largely policy and adjudicative role in the Neighborhood Council system. Adjudication can involve mandatory training, removal of funds or decertification.
- Whether or not DONE is able to retain its exempt positions, DONE shall devise job descriptions that accurately reflect the unusual nature of DONE staff roles, including but not limited to, hours of work, and type of skills required. The City shall assist in this process by recognizing the unique nature of the DONE mission, and its need for a lean, flexible approach.
- City officials shall consider the budget implications of DONE providing technical assistance to Neighborhood Councils in such areas as outreach, office space location, accounting, clerical services, and other items, as well as the technical upgrades needed to reach a large constituency of Neighborhood Councils.
- *Grievances Process*:
 - That a regional commission be established in each planning area. The commissioners are to be chosen by the NCs, and in the first step a grievance or complaint is taken to the regional commission for the appropriate area. The decision can be appealed to the BONC, but 1) only if BONC agrees to take appeal 2) appeal must be based on a violation of bylaws or other stated rules and 3) BONC can render a final decision. City Council can overturn BONC's decision in accordance with Charter Section 245. Subject to uniform procedures, all grievances in the first instance shall be heard at the Neighborhood Council level.

- (Chart of approved grievance process attached)
- *BONC Role:*

The role of BONC shall be clarified and expanded. Role of BONC is defined as rule making, regulatory and disciplinary body:

1. *Advisory role:* BONC shall continue as a city commission, subject to the Charter provisions on city commissions, and shall remain advisory with respect to the day-to-day operations at DONE.
2. *Policy role:* BONC shall be responsible for policy oversight, approval of contracts and leases, and the promulgation of rules and regulations.
3. *Appeal role:* BONC shall play a role as a final appeal for the grievance system.
4. *BONC and direction of NC system:* BONC shall conduct periodic public hearings and open deliberations on the policy direction of the Neighborhood Council system and formulate recommendations to DONE, the city council, and the neighborhood councils.
5. *Regional BONC appointments:* BONC's appointment structure shall be revamped to fit within a regionalized structure, by ensuring that the seven members are selected with one from each of the seven area planning commission regions.
6. *Self-governing model:*
 - a. While BONC is a city commission, it shall be defined as part of the self-governing structure of neighborhood participation.

- b. BONC's appointment structure shall reflect that, while it is a city commission, it is part of a self-governing participatory system rather than a traditional city commission.
7. *BONC Role in Broad Policies for NC System:* The City Council shall delegate to the BONC the central role in approving broad policies for the Neighborhood Council system, with such policy making role based upon recommendations from the DONE general manager and input from the Neighborhood Councils and the public.
 8. This policy making authority shall in no way impinge upon the general manager's role as the chief administrative officer of the department, nor the general manager's direct role in working with Neighborhood Councils on implementing policies embodied in the neighborhood council by laws and in citywide rules and regulations.
- *BONC Appointment Procedure:*
 1. The mayor continues to appoint and remove members of BONC, but selects commissioners from a list that is generated by regional authorities of neighborhood councils. At least four of the commissioners must currently be serving, or have served, on a neighborhood council. The list may include stakeholders who are and are not associated with Neighborhood Councils.
 2. The board shall be comprised of seven members, each of whom shall represent the city in its entirety.
 3. The members shall reflect the diverse geographic areas of the City and the diversity of communities of interest, neighborhoods, ethnicity, race, gender, age, class, and sexual orientation.
 - *Sunshine laws and open government:* There shall be a new Sunshine Law that incorporates the Brown Act and the California Public Records Act provisions that shall continue to apply to Neighborhood Councils but that is tailored specifically to the needs of the Neighborhood Council system and that ensures transparent, fair and accessible rules for Neighborhood Council meetings. (see Attachment for draft Sunshine Law).

- *Lobbying:* At a minimum, a new Sunshine Law in regard to Neighborhood Councils shall not prevent Neighborhood Councils from lobbying a majority of members of the city council on an issue of concern to the Neighborhood Council.

- *Bylaws:*
 1. DONE shall undertake a two-year project with the Neighborhood Councils to develop more consistent bylaws in form and structure. The purpose of this project would be to develop by-laws that leave room for creative decisions about governance, while developing recognizable, comparable terms, structures, and definitions. At the end of the project, DONE shall identify ways for sections of by-laws that should be uniform to be made uniform.
 2. Neighborhood Councils shall be encouraged to identify a “bylaws volunteer” to work with DONE on bylaws development so that minimal Board time is spent on bylaws revisions.
 3. DONE shall create a glossary of common terms and ask NCs to adopt them as part of their bylaws and to update their bylaws to be in compliance with them, in those places where their terms were defined differently.
 4. DONE shall create and distribute a template that is more standardized, while allowing some flexibility.
 5. DONE shall help educate Neighborhood Councils that in those situations in which NC bylaws do not accord with City policies, that the City’s definition will prevail. The applicability of such City policies does not have to await revisions of bylaws.

- *Board structure:*
 1. The general design of Neighborhood Council boards shall remain the responsibility of Neighborhood Councils, subject to the approval of BONC.
 2. DONE shall research models of Board structures for consideration by Neighborhood Councils, based in part on “best practices” of Board structures utilized by Neighborhood Councils, such practices to be defined in a

collaborative process with Neighborhood Councils. Best management practices should include representation that is inclusive and diverse on NC Boards.

3. Models shall include but not be limited to a) how to design boards such that no single community stakeholder group shall comprise a majority of a certified NC governing body unless extenuating circumstances are warranted and approved by DONE, and b) methods to identify and define roles for at-large stakeholders (such as those whose participation is guaranteed in the Charter) and affiliate stakeholders (such as those whose participation is guaranteed in the Plan) with different voting opportunities for each group.
 4. DONE shall ensure that every two years, NCs undergo a self-assessment process that shall include, but not be limited to, inclusiveness and diversity of Board composition, and other items as specified in the Plan.
 5. With encouragement and technical support from DONE, Neighborhood Councils shall be encouraged to evaluate and improve board structures by examining their impact on participation and diversity.
 6. DONE shall encourage Neighborhood Councils to explore whether requirements for serving as a board member, such as regular involvement in the affairs of the Neighborhood Council, shall be incorporated as part of the board structure.
- *Dividing Neighborhood Councils:*
1. BONC shall propose a policy on Neighborhood Council subdivisions to the City Council after taking input from NCs and stakeholders.
 2. A subdivision policy shall give priority to subdivisions of Neighborhood Councils with a resident base in the top 25th percentile of all Neighborhood Councils.
 3. The burden of proof for a subdivision should be on the applying Neighborhood Council to ensure that neighborhoods are not abandoned by Neighborhood Councils.

4. If a Neighborhood Council applies for subdivision, each new portion of the Neighborhood Council shall apply for certification as a new Neighborhood Council. The processes of subdivision and certification of the new NCs shall occur concurrently so as not to disenfranchise the existing stakeholders.

IV. OUTREACH/PARTICIPATION

Comments: The Commission believes that the burden of outreach has been wrongly placed on individual Neighborhood Councils. That responsibility should be shared between Neighborhood Councils and the City government. Elections administration has become a time consuming and controversial aspect of Neighborhood Councils. It has occupied considerable staff time for DONE that could be used instead to foster outreach for Neighborhood Councils. The Commission recommends that while Neighborhood Councils should have the flexibility to design their own board structures, the actual operations of the elections should be standardized under the leadership of the City Clerk. Elections grievances should no longer be handled by the Human Relations Commission, which is better suited to help Neighborhood Councils expand diversity, and instead by a peer group of Neighborhood Council members. BONC would play an appellate role in elections grievances. Finally, the Commissioners believe that Neighborhood Councils should be as inclusive as possible, and that a broad definition of stakeholder is the best one.

Preliminary Recommendations:

- *Outreach and Participation:*
 1. Realistic standards for participation in Neighborhood Councils shall include the interests or groups that comprise the area represented by the Neighborhood Council to the greatest degree possible. Voter turnout and meeting attendance are desirable but are not the main indications of Neighborhood Council participation.
 2. The responsibility for outreach for the Neighborhood Council system shall be shared between the City government and the Neighborhood Councils.

3. The City government shall research and apply methods of outreach on a regional and city wide basis in order to encourage people to participate in Neighborhood Councils. A “best practices” model shall draw on what has already been working well.
4. The City shall provide direct outreach services to Neighborhood Councils, organized on a regional basis.
5. When outreach services are made available to Neighborhood Councils, every effort shall be made to reduce bureaucratic red tape. A separate track shall be established for Neighborhood Council outreach services provided by the City, e.g., printing.
6. While the City government ought to have broad responsibility for improved outreach and participation, Neighborhood Councils have a major responsibility to be inclusive and engaging. DONE shall assist neighborhood councils to help make sure that these goals are being actively pursued.
7. The number of activities of Neighborhood Councils that obstruct participation (e.g., budget work, Brown Act, elections administration, searching for meeting space, clerical support, meeting notification) shall be drastically reduced. With the help of DONE, Neighborhood Councils shall explore ways to conduct engaging, effective meetings.
8. Legal implications of Town Hall model of Neighborhood Council meetings shall be explored with the City Attorney.
9. DONE shall be reorganized to highlight the community organizing and technical assistance aspects of its staff, rather than elections administration and financial oversight. DONE staff shall help Neighborhood Councils to create lean, engaging agendas.
10. DONE shall help Neighborhood Councils to gather data regarding the Neighborhood Council area, including “asset mapping” of neighborhood organizations and other vital community assets. DONE shall reach out to neighborhood interests, especially if they are not reached by the Neighborhood Council.

11. DONE shall revamp its website, and improve its electronic communication, while also finding new ways to reach Neighborhood Councils that have much less electronic usage. DONE shall post Neighborhood Council meeting minutes and agendas, regardless of whether the council has its own website.
 12. DONE shall challenge and encourage Neighborhood Councils to be more inclusive and to become aware of ways in which participation is actively or passively discouraged by new people or groups.
 13. The Human Relations Commission (HRC) shall be relieved of its election administration duties and begin to work closely with Neighborhood Councils on issues of diversity and intergroup relations.
- *Elections:*
 1. The Neighborhood Council election process shall be simplified and standardized, with common sense requirements that are easy to enforce and likely to promote the greatest participation.
 2. There shall be a package of common election rules that are adhered to by all Neighborhood Councils, built on the ordinance passed by the City Council in 2005.
 3. The City shall share responsibility with Neighborhood Councils for organizing elections.
 4. Neighborhood Council elections shall occur on regional or city-wide election dates, but not concurrent with city elections.
 5. All election rules shall be finalized and in place at a set time before the election.
 6. Election challenges shall be resolved via the regional grievance process proposed by the NCRC.
 7. Responsibility for the City's portion of the outreach effort necessary to mobilize stakeholders to vote in Neighborhood Council elections shall be concentrated in DONE.

8. The City Clerk shall organize and run Neighborhood Council elections if, and only if, additional city resources are provided for this task.
9. Neighborhood Councils may choose to participate in the conduct of the election in collaboration with the City Clerk. If Neighborhood Councils do not wish to participate in the running of the election, they would not be required to establish an Elections Committee.
10. Elections shall be held on a regional or citywide basis, with individual Neighborhood Council elections grouped by region on the same day or within the same week. Each Neighborhood Council election would still be a stand-alone event based on its own bylaws. The City Clerk shall guide the 3-4 month election process from candidate verification through training sessions, candidate forums and debates, and community outreach up until Election Day.
11. The City shall provide assistance in outreach and voter mobilization. Volunteers may assist in the operation of the election.
12. Decisions in the pre-election period made by election monitors may be appealed to a panel drawn from a pool of stakeholders as noted below.
13. Poll workers, trained by and accountable to the City Clerk, will be the first line of monitoring of the election.
14. Poll workers who witness a violation of election rules shall, consistent with City Clerk procedures, order the violator to cease and desist.
15. If the violation continues, the poll worker shall, consistent with City Clerk procedures, call the election monitor team, which shall go to the polling place, receive the poll worker's report, and take appropriate action. If a violator persists, the election team may call law enforcement.

16. Votes shall be counted by City Clerk staff in a manner that is accessible and open while consistent with City Clerk election procedures.
 17. The Human Relations Commission shall no longer serve as Final Decision Maker regarding challenges to neighborhood council elections, except in a transitional and training role for a revised system. The HRC shall focus its efforts on assisting neighborhood councils in the areas of diversity and intergroup relations. DONE shall inform Neighborhood Councils of the resources of the HRC.
 18. A post election challenge must be filed in writing, consistent with the citywide election procedures. It must specify the basis for the challenge and include documentation. The challenge will be processed according to the grievance procedure recommended by the NCRC.
 19. The panel may immediately dismiss the appeal or may consider it further. It may ask for written comments from those involved in the election, and then make a decision. The election monitor team must cooperate in this review. If the challenge is found to have no merit, it will be dismissed. If the challenge has merit, the panel shall have the power to impose sanctions. Contrary to the current practice, challenges to the factual accuracy of self-affirmed stakeholder status may be considered by the appeals panel.
 20. The dismissal of a challenge may be appealed to the Board of Neighborhood Commissioners, which will not be required to hear the appeal except under specified circumstances.
 21. Volunteers may assist in the operation of the election. Volunteers may not be candidates in the elections they are assisting.
- *Definition of stakeholder:* Plan to be amended to state that stakeholder status in neighborhood councils shall be open by self-affirmation to those who live, work, or own property in the Neighborhood and also to those who declare a stake in the neighborhood and the basis for it.
 - *Term Limits for NC board members:* Term limits for Neighborhood Council board members should be eliminated.

V. CITY ASSISTANCE TO NCS

Comments: Currently, Neighborhood Councils each receive \$50,000 a year in public funds. The Commission recommends that the funding program continue, although the amount of that funding is to be determined. In any case, Neighborhood Councils should not be responsible for the financial details of this program. The Commission recommends that DONE's financial staff take over the record-keeping functions for Neighborhood Councils, so that the Neighborhood Councils only have to decide on the expenditures. Furthermore, at the end of three years, unexpended funds would not revert to the General Fund, as is the current policy of the City, but into a fund for outreach and education directed by DONE. Finally, a percentage of each Neighborhood Council's allocation will be taken out and dedicated to a citywide fund to provide all administrative services to Neighborhood Councils. The idea of these recommendations is to remove much of the administrative and financial burden on Neighborhood Councils, and to establish a situation in which board members can show up to meetings, have the materials ready, and do what they want to do, which is make decisions beneficial to the neighborhood.

Preliminary Recommendations:

- *Streamlining of Neighborhood Council Funding:* DONE's role in the funding program for individual Neighborhood Councils shall be streamlined. DONE and ITA shall be directed to create an electronic system for fiscal management for Neighborhood Councils, specifically creating financial accountability forms and all other fiscal approval procedures that can be done and approved online. DONE shall continue to implement the City Council's policies on funding Neighborhood Councils. DONE shall continue to inform Neighborhood Councils of guidelines for the use of funds, and to inform Neighborhood Councils about the avoidance of such conflicts of interest as self-dealing by Board members.

- *Neighborhood Council Funding:* Each Neighborhood Council continues to receive equal, annual funding. Fund unspent and unencumbered at the end of 3 years would revert to a fund administered by DONE to support a Neighborhood Council program for outreach, education and communication funding for which Neighborhood Councils may apply based on demonstrated need.

- *Administrative Services for Neighborhood Councils:*
 1. Of each NC's allocation, a certain percentage shall be allocated to a citywide fund to provide administrative services to all Neighborhood Councils either in-house or through a central contract with a firm that provides such services. The percentage that is taken out shall be equal among NCs.
 2. The City of Los Angeles shall provide translation services to Neighborhood Councils at no cost to individual neighborhood councils. The cost should be a collective cost of the NC system. DONE shall provide a cost estimate of this service.
 3. DONE shall establish guidelines for the provision of translation services.