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## **Economy & Efficiency Commission Presentation**

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**PRESENTATION BY  
Mr. Raphe Sonenshein  
Executive Director of the City of Los Angeles Charter Reform Commission  
Topic: Status of the Commission's Charter Reform Report  
December 3, 1998**

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Chairman Abel introduced Mr. Raphe Sonenshein, Executive Director of the City of Los Angeles Charter Reform Commission. The Charter Reform Commission is normally referred to as the "appointed" Charter Reform Commission (ACRC). It will be useful for the Economy & Efficiency Commission (EEC) to hear from Mr. Sonenshein since the EEC reports on restructuring the state/local relationship included a recommendation to establish a Metropolitan Charter Commission.

Mr. Sonenshein introduced Ms. Audrey Madrigal of his staff. He also referred the commissioners to a distributed packet/handout called "Write History, Right Future."

Mr. Sonenshein explained that there are two Charter Reform Commissions--the ACRC and the "elected" Charter Reform Commission (ECRC). He emphasized that one should not believe everything one reads in the newspapers regarding the adversarial relationship between the two charter reform commissions. Meetings have been held by the two commissions, during which proposals have been made for agreement on numerous items.

Mr. Sonenshein explained that on November 16, 1998, an ACRC draft charter was released to replace the original City Charter has not been comprehensively revised since 1925. The ACRC tried to create 1) a better charter and 2) a more responsive government that can address the increasing alienation throughout the City in recent years.

Mr. Sonenshein was not prepared to say the charter reform movement will significantly influence the issue of secession (San Fernando Valley). Mr. Sonenshein explained that the perceived inattentiveness of government decision makers, abbreviated public citizen speaking time, and the vast geography of the city contributes to the sentiment that "no one listens to me." One of the resolutions the ACRC set out to implement was that no one should feel that they had not been heard, even if a proposal was rejected. This requires explaining why a proposal did not pass.

The spirit of charter reform is to have a system that enables one to "lose," but still stay in the game. To get to that point, the ACRC had to solve two problems:

1. clarifying the roles of city officials to enable them to operate efficiently and accountably.
2. propose a governmental structure that is increasingly responsive to the needs of the public.

In every case, the efforts of the ACRC attempted to make government more efficient and more responsive--without eliminating the checks and balances of the government system.

In the area of participation--the Commission proposed a mandatory system to establish advisory neighborhood councils. The ACRC recommended increasing the size of the City Council to twenty-one members, thus reducing the size of the current council districts. The ACRC also proposed three to seven area planning commissions that would handle quasi-judicial decisions such as zoning variances and conditional use permits. Policy issues would still be handled by the City Planning Commission (CPC). The ACRC also included a provision to encourage voting by mail. These items, none of which are radical by themselves, when put together become a very strong series of changes.

In the area of governance, the ACRC proposed enhancing the authority of the Mayor to manage city departments, but did not recommend giving the Mayor the authority to unilaterally fire general managers without the City Council being involved. The only recommendation a majority of people opposed in the ACRC's outreach is the proposal giving the Mayor the authority to unilaterally fire General Managers without the City Council being involved.

The ACRC proposal also preserved the office of the City Administrative Office. The City Administrative Officer currently has the reputation of being unbiased in the development of budget numbers. Although policies may be debated, the numbers are not. ACRC determined that the City ought to maintain its balance of political leadership and professional administrative experience, which the City Administrative Office represents.

Mr. Sonenshein referred to the distributed packet entitled "Write History. Right Future" which summarizes the main points within the draft charter. The packet has an overview of the proposed charter which discusses each of the policy issues. (See: [www.charterreform.org](http://www.charterreform.org)). Mr. Sonenshein suggested that the ACRC and the ECRC do not appear to be that far apart on substantive matters. The major point of discussion is on whether to submit two separate drafts. Agreement on this matter is expected to be reached by the end of December (1998).

Commissioner Philibosian commented that he is not sure how the number of members of the City Council impacts the issues involving the responsiveness of government. Mr. Sonenshein responded that increasing the number of council members alone is not enough to make government more responsive. In addition, the participation cost is decreased for each member when there are new members.

The research on legislative size indicates that when significant increases are made in the size of a legislative body, two things usually happen:

1. whatever objectives are sought by major changes in the size of legislative bodies are rarely fulfilled
2. a small number of people become influential.

Commissioner Farrar asked if the proposal for twenty-one City Council members would have the same budget as the current fifteen member council. Mr. Sonenshein responded that the ACRC made no determination concerning the budget.

Commissioner Stoke mentioned that when the Board of Supervisors was wrestling with the idea of going from five to seven members, it was determined that it was most likely to result in an increase in the cost of government. It appears to be a natural law of government that when more offices are added, people are also added.

Commissioner Stoke felt that there should be significant concern (re: the planning proposal and the authority of citizen councils) over the idea of giving citizens the ability to control land uses within an area. This could possibly stifle the development of cities. Proliferation and first- strike opportunity for local councils are going to have an impact on the kinds of facilities that Los Angeles needs. Mr. Sonenshein responded to Commissioner Stoke's concerns by commenting that the ACRC proposal is for advisory neighborhood councils. This structure would be similar to that of New York City's system of community advisory boards.

The proposed area planning commissions are not neighborhood councils--they are appointed by the Mayor, confirmed by the Los Angeles City Council, and do not add an extra step of review.

Commissioner Stoke asked how can one distinguish in this process between the Getty (museum), a high school, and twelve-child day center. Mr. Sonenshein answered that in the ACRC proposal, the City Planning Commission can assert authority over issues that have citywide implications. Once again, area planning commissioners are appointees of the mayor, just as is the City Planning Commission. The only difference is that area planning commissioners are empowered to handle quasi-judicial matters. The ACRC is getting a lot of ambivalence on this. That is one reason why the ACRC rejected decision-making neighborhood councils from the start.

Chairman Abel mentioned that in the future it may be helpful to establish forums to explore the details of various proposals pertaining to neighborhood councils and area planning commissions. Mr. Sonenshein stated that the ACRC has not deviated from its original proposal. The ACRC and the ECRC appear to be drawing together around the ACRC proposal.

Commissioner Buerk asked if in the proposed new charter there are any changes in the relationship between the City and the County. Mr. Sonenshein responded by asking "what can the charter do?" on matters like the revenue imbalance between the County and the City.

Chairman Abel commented that there needs to be a statement similar to a preamble. This statement should suggest that the 78-year-old charter being reviewed covers a city with much less sovereignty than it had seventy years earlier. The existing charter is the product of a number of initiatives and modifications between state and local government over that period of time.

Commissioner Boonshaft commented that once neighborhood councils and other bodies are appointed, they take on a life and power of their own. It becomes more difficult to dismantle them than it is to empower them. This not only impacts the decisions of developers, but those in the entertainment industry. The entertainment industry may respond by moving to such places as Canada as a result of having to come up with additional land permits to satisfy additional neighborhood councils, et cetera. Mr. Sonenshein responded that the battle to stop the creation of neighborhood councils has already been lost. The question now revolves around how to work within the structure.

Mr. Sonenshein clarified the difference between "neighborhood councils," which having nothing formal to do with any governmental decision, and "area planning commissions" which do have authority to make decisions. Commissioner Stoke expressed concerns that the powers, privileges, and duties of the Citizen Advisory Councils being proposed have not been adequately defined. These councils if broadly empowered could negatively effect important needs of the City.

Commissioner Philibosian asked why the same people can't just go to the area planning commission or go to their City Council members. Commissioner Jimenez mentioned that Brentwood has a community council which is made up of groups of homeowners, business people, religious figures, and community members. That council exists because these people decided that they wanted to discuss these issues. They are increasingly aware of planning issues that go on in their own neighborhood, even though they do not have a decision-making role in the planning process. Commissioner Jimenez sees the ACRC neighborhood council model as a mechanism for these types of groups to be created all over the city. From his standpoint, there is no increase in volume of input, it is just that areas would have an opportunity to provide further input.

Commissioner Philibosian mentioned that what Commissioner Jimenez is referring to are volunteer groups, and that they have the same authority as any other volunteer group. As soon as people are appointed, they become empowered. Commissioner Stoke agreed by stating that there must have been some reason he was appointed as a commissioner. Mr. Sonenshein stated that it should not be assumed that members of neighborhood councils would be appointed.

Commissioner Balderrama referred to his experience as a member of the Monterey Park City Council. He assured the commissioners that this Council no longer proceeds on any development issues without

neighborhood group support. These neighborhood groups are made up of the most vocal citizens and homeowner group members.

Mr. Sonenshein restated that neighborhood councils should not be equated with homeowners associations. The ACRC proposal calls for business, labor, and non-profit organizations representation on neighborhood councils. Diversity can be assured by creating selection mechanisms that insure certain proportions of the board are reserved for various representatives.

Commissioner Balderrama stated his support for the system--because getting the blessing of a neighborhood council is important in assuring its passage. All it requires is time to present the proposal.

Commissioner Philobosian stated that it is difficult to have representative groups without having some methodology for insuring group representation, as well as some idea of what it will cost. On any proposal going to the voters expressing a need for advisory councils, staff, et cetera.--who does this analysis, and who does the cost analysis? These questions are important to the EEC. Mr. Sonenshein explained that cost analysis have already been completed and that further analysis is being conducted by the CAO and the CLA. This analysis will be presented when the ACRC presents its proposal to the City Council.

Chairman Abel referred to an opinion piece in the current Los Angeles Times (12/03/98) about the power of the Mayor to unilaterally dismiss a General Manager. Another article appeared earlier in the week discussing what is not in the charter reform proposals. This discussion included a proposal by Mr. David Freeman of the Department of Water and Power. Mr. Sonenshein mentioned that there is a substantial amount of strengthening of the role of commissions in proprietary departments in the Charter Revision Proposal. This is a significant change. Additionally, the ACRC voted to have the Mayor evaluate General Managers for purposes of pay raises and removal. Currently, the Mayor and Council form a joint committee to evaluate General Managers. This has shown itself to be a complicated shared system.

The ACRC has proposed changes to Proposition 5, which was passed by the voters in 1991. This proposition allows the Los Angeles City Council to modify decisions made by commissions. It was the view of the ACRC that the Los Angeles City Council should still have a role in those decisions, but should not be able to assume the role of commissions. Thus, the proposal is to provide the City Council with "veto" power, thus precluding the City Council from assuming the responsibilities of the commissions.

Concerning the issue of removing General Managers, the ACRC is unlikely to change its position on not giving the Mayor unilateral authority. There are discussions looking at the option of requiring a two-thirds vote of the City Council on the removal of General Managers.

Mr. Sonenshein stated that a focus on one issue misses the other things happening in the charter. A rare and infrequent opportunity to improve participation, efficiency, flexibility, and accountability for the entire charter improvement process may be missed. Many of the ACRC commissioners' initial positions have been modified after evaluating the "entire package."

Commissioner Padilla was curious about the power shifts taking place within the proposed ACRC document, in other words, who will lose and who will gain power if the ACRC document is approved? He was also concerned about the power which gadflies hold at these meetings. Mr. Sonenshein first said that if more people attend the meetings, the gadflies have less power. Secondly, with respect to power shifts, the ideal charter would be one in which the question of who loses and who gains power cannot be answered before election day. If this charter passes, it will be because nobody hates it enough to kill it and because, as a document, it takes on an aura of something bigger than any component piece of the charter.

Chairman Abel admitted his confusion about the goal of the charter reform effort although he understands that it was begun in a political campaign, related to, and now seemingly more independent from, the issue of San Fernando Valley secession. He asked Mr. Sonenshein what he believes is the charter reform goal for Los Angeles residents. Mr. Sonenshein said that the goal is to define how the City of Los Angeles can improve its responsiveness to its residents. As an aside, he also believes that it does not solely respond to the issue of secession, and was never intended to do so.

Commissioner Sylva asked if it is possible to have the charter be split-up when it is presented to the voters. Mr. Sonenshein said that charter fragmentation has been proposed, although he would rather take the chance on the voters accepting or rejecting the entire document. He believes that splitting things up will just make it more confusing to everyone and ultimately less likely to be adopted.

Chairman Abel thanked Mr. Sonenshein for his presentation and recognized its contribution to the commissioners' knowledge in this field.

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Kenneth Hahn Hall of Administration, Room 163, 500 West Temple St.,  
Los Angeles, CA 90012  
Phone (213) 974-1491 FAX (213) 620-1437 [EMail eecomm@co.la.ca.us](mailto:EEComm@co.la.ca.us)  
WEB [eec.co.la.ca.us](http://eec.co.la.ca.us)