

Greg Nelson
gregn213@cox.net

Date: November 2, 2010
To: Board of Neighborhood Commissioners
c/o Janet Lindo
Via E-mail
Re: Board Meeting of November 3, 2010, Item #6

Dear Commissioners:

I read the October 29, 2010 letter written by the city attorney regarding neighborhood council elections. I have some concerns.

I think it would be important for your commission to determine the extent of the problem.

In speaking before a recent hearing about possible City Charter amendments organized by Councilman Jose Huizar, Dr. Raphe Sonenshein, former executive director of the appointed charter reform commission and the Neighborhood Council Reform Commission, strongly recommended that any significant consideration of changes to our laws begin with a definition of the problem. He warned about the problem of developing solutions that are in search of a problem.

The city attorney's letter stated that he was making his recommendations because his office "received several complaints during the most recent administration of elections by the City Clerk that stakeholders with a tenuous nexus to the community were involved in voting for a Neighborhood Council board."

That's vague enough to be a concern.

Your commission should consider asking how many and which neighborhood councils complained to his office, and what constituted in whose opinion "a tenuous nexus to the community." The solutions may instead be ones that could be addressed within those councils.

The letter states that on average 16.9% of the voters qualified themselves to vote using a "factual basis." Yet, without providing any detail, or a specific example, the city attorney wrote that some of the concerns his office has received were that the "outcomes of the elections were being unfairly manipulated by stakeholders with a negligible connection to the neighborhood."

Without more information, it is very difficult to understand whether these are legitimate concerns, or excuses made by people who were simply “out-organized.”

You may find that the complaints were isolated to one district seat in one council, and one traditionally disenfranchised demographic group in another council. The city attorney recommended that there be process through which neighborhood councils can pre-register voters. But that has always been the case.

My caution is against allowing only pre-registered persons to vote. As the NCRC so aptly noted, as the “cost of participation” increases, participation decreases. The more difficult it is for people to vote, the fewer the number of people who will vote.

The goal should be to weigh the ease of participation against the desire to sanitize the process.

The city attorney expressed concern about the ability of persons to self-affirm that they are stakeholders. It is important to note that federal law does not allow states to require proof of citizenship when persons register to vote. When registering, persons simply swear or affirm that they are citizens.

A question to be asked is how much stricter neighborhood council elections should be than governmental elections. Should voting for a district representative in a neighborhood council election involve the same level scrutiny as voting for the President of the United States?

Another concern is that this letter was not drafted by the Neighborhood Council Advice Division. It is odd.

You should ask the city attorney’s office how this advice differs from past advice it has given on the issue of the “factual basis” and the voting status of the homeless.

You should ask the Office of the City Clerk what percentage of neighborhood councils prefer using “factual basis” to determine eligibility to vote.

Whether it’s the city attorney, your commission, DONE, or anyone else in City Hall, proposals that directly affect neighborhood councils, as these proposals do, should include neighborhood councils in discussing the drafting of ideas.

This is at the heart of the concept of “government from the bottom up” upon which the neighborhood council system was built. If councils are only brought into the discussion after a proposal has been released, it is much more difficult for them to affect the final decision.

The city attorney's letter was released on Friday, October 29, 2010, and immediately it was placed on your commission's agenda for the following Wednesday. That provided the public with only two full working days to know about, discuss, and weigh-in on your discussion.

And that's assuming that anyone can find the city attorney's letter. Your agenda provides no link to it, and I wasn't able to find it among your agenda packet items on the DONE website.

BONC could be leading the way toward meeting the City Charter's goal of promoting public participation by not placing any item of this magnitude on its agenda until the supporting documents have been sent to those who subscribe to your commission's agenda a reasonable amount of time in advance.

Before the neighborhood council system was adopted, city officials were driven by the need to show that they could act quickly on items they deemed important, or that make them appear to be responsive leaders.

But the neighborhood council system attempted to replace that antiquated culture with one that values the participation of the neighborhood councils and the public and involves them in true dialogue and deliberation from the start.

There are many improvements that the BONC could make toward this cultural shift without cost or the need for more staff. There are many best practices to review. I'd be happy to provide a list of people who provide you with options.

With hope,

Greg Nelson