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### Federalism from the Neighborhood Up: Los Angeles's Neighborhood Councils, Minority Representation, and Democratic Legitimacy

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#### INTRODUCTION

In 1999, the Los Angeles electorate approved an ambitious new charter for the city. One of the most important and controversial parts of the charter was the creation of a system of Neighborhood Councils. The Councils were designed to foster local ownership over municipal issues and to increase civic participation.<sup>1</sup> Unlike systems of neighborhood governance in other cities, where a central board appointed representatives, these Councils were to be created from within the neighborhoods themselves.<sup>2</sup>

This Essay discusses the objectives of the Councils, assesses their performance, and offers recommendations for their improvement. In so doing, the Essay builds on the work of one author, Erwin Chemerinsky, who was one of the central backers of the Council system.<sup>3</sup>

This Essay proceeds in four sections. In Part I, the Essay offers Dean Chemerinsky's recollections of the development of the Councils and discusses the rationale for this system. In Part II, the Essay offers an overview of the history of minority representation in Los Angeles. This Part also documents the need for a decentralized system that would empower minorities to exert greater political influence. In Part III, the authors analyze the impact of the Neighborhood Councils on minority representation in Los Angeles. While noting that the Councils have

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1. See JULIET MUSSO ET AL., TOWARD COMMUNITY ENGAGEMENT IN CITY GOVERNANCE: EVALUATING NEIGHBORHOOD COUNCIL REFORM IN LOS ANGELES 2 (2007).

2. See *id.*

3. Dean Chemerinsky has discussed the Councils in previous work. See, e.g., Erwin Chemerinsky, *Further Reflections of a Framer: The Los Angeles Charter Reform*, 3 GREEN BAG 2d 125 (2000).

lagged in Hispanic representation, the Essay argues that the Councils have provided a unique forum for minorities to meaningfully engage in the political life of the city. In particular, the Councils have been a source of strong political participation for Asian-Americans. In Part IV, the Essay offers suggestions to improve the Neighborhood Councils. Part IV also recommends that this model be expanded to other cities.

## I. A RECOLLECTION OF THE 1999 CHARTER REFORM

### A. *History of the Los Angeles Charter*

Between 1997 and 1999, no issue was more important in the Los Angeles charter-reform process than that of the Neighborhood Councils. One of the motivations for the charter-reform effort was the threat of the Valley—a large area in the north part of Los Angeles—choosing to secede from Los Angeles. There also was a threat, though it always was less realistic, that the Hollywood area might choose to secede. In the background was the possibility that the Harbor area—San Pedro and Wilmington—might also attempt to secede. The Harbor area was physically separate from the rest of Los Angeles, connected to the city only by a freeway.

Charter reform was a way of addressing the concerns that led to the desire for secession. Decentralizing power, perhaps through Neighborhood Councils, was regarded as crucial to addressing those concerns.

By no means was this the only cause for charter reform. The Los Angeles charter had been adopted in 1925 and has been amended over four hundred times.<sup>4</sup> It was an unwieldy and incoherent document. There had been two prior efforts to adopt a new charter, but in both instances a commission drafted the document only to have it rejected by the voters. In California, a city charter is the constitution for the city: it creates the institutions of city government, it allocates power among them, it prescribes many ways in which the city operates, and it can even include protection of individual rights. A charter is typically far more detailed than a constitution. In Los Angeles, for example, the charter has dozens of pages about the pensions of city workers.

Near the end of Mayor Richard Riordan's first term in 1996, he proposed creating a commission to draft a new city charter.<sup>5</sup> Riordan was a very successful attorney and businessman, but he had a relationship with the Los Angeles City Council that was acrimonious at best. The Los Angeles charter existing at that time provided for a relatively weak Mayor, especially as compared to other large cities such as New York and Chicago. Mayor Riordan's frustration with governing under the charter undoubtedly fueled his desire for charter reform.

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4. See RAPHAEL SONENSHEIN, *LEAGUE OF WOMEN VOTERS, LOS ANGELES: STRUCTURE OF A CITY GOVERNMENT* 31-33 (2006).

5. See MATTHEW PARLOW & JAMES KEANE, *LEAVEY CTR. FOR THE STUDY OF L.A., RICHARD RIORDAN AND LOS ANGELES CHARTER REFORM* 18 (2002).

In response to Riordan's call for charter reform, the City Council created a Charter Reform Commission to draft a new charter. Under California law, there are two ways in which a charter-reform proposal can get onto the ballot for voter approval. One is for the City Council to place it there. The City Council created a twenty-one-member commission whose members were appointed by the Council members and other elected officials in Los Angeles. Undoubtedly, the Council members initially thought that they had succeeded in meeting Riordan's call for charter reform—and that they had done so by creating a commission that would report to them. It would be entirely up to the City Council as to what, if anything, would be placed before the voters.

There is another mechanism, though, for putting a proposed charter to a citywide vote. Under the California Constitution, voters can pass an initiative to create an elected Charter Reform Commission. If the initiative passes, an elected Commission is created, and the elected Commission then can place its proposal directly before the voters. This mechanism had never before been used.

Riordan, who was very wealthy, spent his own money to get an initiative on the ballot for an elected charter Commission. At the same election, the voters would decide whether to create the Commission and vote on Commissioners in the event the initiative to create the Commission passed. One Commissioner was to be elected from each of the City's fifteen City Council districts.

Riordan raised two million dollars to run a pro-business slate of candidates for the elected Charter Reform Commission. What he did not anticipate was the reaction of the City's unions. The charter contained many provisions protecting unions, including safeguards for civil-service workers in Los Angeles and provisions that prevented work from being contracted out. The unions quickly mobilized to run a pro-union slate of candidates for the elected Commission.<sup>6</sup>

### B. *Erwin Chemerinsky's Reflections*<sup>7</sup>

In January 1997, I received a call from Jackie Goldberg, a member of the Los Angeles City Council, a former teacher, and a former member of the Los Angeles Unified School District. Jackie said she wanted a favor from me. I assumed it was to give one hundred dollars to her next campaign. Instead, she said that she wanted me to run for the elected Charter Reform Commission. I was only vaguely aware of the incipient charter-reform process and initially demurred. But the more I thought about it, the more intrigued I became. At that point, I was in my seventeenth year as a constitutional law professor. This was a chance to be part of drafting something that would essentially be a constitution.

I decided to run and was one of seven candidates in my City Council district. I was elected without a runoff. I was one of ten union candidates to win in the

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6. *See id.* at 17.

7. This Section presents Dean Chemerinsky's first-person perspective regarding his experience devising the Neighborhood Council system.

fifteen races. Mayor Riordan's candidates won in three races. In one race, a candidate supported by neither the Mayor nor the unions won. And in the final race, a candidate ran with support of both the Mayor and the union.

At the same election, the voters passed the initiative to create the elected Los Angeles Charter Reform Commission. It was to begin work on July 1, 2007 and was to put a proposal before the voters for a new charter within two years. The Commissioners were not to be paid any salary for their service.

Nor did the initiative provide any funding for the Commission, such as for its staff or office. This initially proved highly problematic. The City Council still had its own Charter Reform Commission and saw no need to support the elected Commission. The Mayor looked at the pro-union elected Commission and realized, in the words of one observer, that it was "not his child." The elected Commission began in donated office space with salvaged furniture and a volunteer staff. Eventually, aggressive lobbying and media efforts paid off, and the City Council funded the elected Commission.

I was chosen by my fellow Commissioners to be the chair of the elected Commission. There were dozens of issues, ranging from the powers of the Mayor, to the authority of the City Attorney and the City Controller, to the size and powers of the City Council, to the administration and operation of particular departments like police and public works, to matters concerning civil service and pensions. We quickly discovered that there was no consensus on any issue. The Mayor had his views, City Council members had their views (and were not always in agreement), business leaders had their views, union officials had their views (and were not always in agreement), homeowners associations had their views, and so on.

We organized a work plan, divided into committees, held frequent meetings all over the city, and began the process of deciding the content of a new charter and then drafting its provisions.

Meanwhile, the appointed charter Commission was doing the same thing. It was clear that the two Commissions were taking very different approaches. The appointed Commission saw itself as taking the existing charter and updating it. The elected Commission saw itself as starting with blank pages. Each Commission resented the existence of the other, and sometimes this was expressed in the media. It was a process that was intense and even overwhelming from its beginning, and it became only more so over the next two years.

No issue attracted more attention or took more time than neighborhood councils. There were three basic questions: (1) whether the Councils should be elected or appointed, (2) whether the Councils should have decision-making authority or be purely advisory, and (3) if the Councils did have decision-making authority, over what issues should they have that authority?

The appointed Commission quickly staked out its position: that there should be appointed Neighborhood Councils and they should be advisory only. In May 1998, the elected Commission took its first votes on the issue. By this point, a committee had conducted extensive discussions and had drafted a detailed report and proposals. In a day-long meeting focused just on Neighborhood Councils, the elected Commission voted in favor of having Neighborhood Councils with

elected members and some decision-making authority. It was thought that they would have some power to make decisions over land use and that a portion of the City's budget would be divided among Neighborhood Councils to allocate as they deemed appropriate for their area. The arguments in favor of this plan were similar to those made for federalism: that decentralizing power leaves decisions to entities closer to the people, and therefore brings substantial benefits. I was among those who spoke out in favor of this proposal and voted for it at our meeting.

Over the rest of 1998, we refined our proposals and drafted proposed charter language. In December 1998, six months before the proposal was to go before the voters, the elected Commission released the first draft of its proposed charter. It included elected Neighborhood Councils with decision-making authority.

By March 1999, when the proposed charter had to be finalized, the elected Commission no longer supported elected Neighborhood Councils with decision-making authority. I, too, had changed my mind. Why? First, it became clear that a proposed Charter with such provisions would likely be defeated by the voters. The business community strongly opposed such Neighborhood Councils, seeing them as an obstacle to development. Business leaders, including the Chamber of Commerce and the Central City Business Association, repeatedly and forcefully said that they would work to defeat a charter with such provisions. Some unions came out against it too. There was every reason to believe that they could launch a successful campaign to defeat the proposed charter. All of the work for two years, by so many people, would have been for nothing.

Second, there was a desire for a unified charter-reform proposal—a single charter proposal from both the appointed and the elected Commissions. In the fall of 1998, George Kieffer, the chair of the appointed Commission, called me and said that, if two competing proposals went on the ballot, both would lose. The supporters of one would defeat the other. This was almost surely true. He said that he and I had to negotiate a unified charter and then sell it to our respective Commissions. I agreed and there then ensued a few months of intense negotiations, first between George and me, and then with our Commissions. Mayor Riordan fought hard to have the elected Commission go forward with its own proposal and reject the unified charter that George and I had negotiated. The elected Commission had gone much further than the appointed Commission in strengthening the powers of the Mayor. The elected Commission initially sided with Riordan, but, faced with intense media and political pressure, later changed its mind and supported the unified charter proposal. All of this happened within a few tense days. On Wednesday night, the elected Commission rejected the unified charter proposal over my dissenting vote. On the following Monday, the elected Commission reversed itself and approved it.

George made clear to me that elected Neighborhood Councils with decision-making authority were an impossible sell to the appointed Commission and to the City Council, which had to put their proposal on the ballot. For the sake of a single charter proposal, I agreed, and so did the elected Commission.

Finally, on the merits, I came to have real doubts about giving the Neighborhood Councils decision-making authority. As I listened to homeowners associations who strongly favored this, I came to worry about NIMBYism—the “not in my backyard” mentality. No neighborhood wanted the next halfway house or the next domestic-violence shelter in their area. I also realized that dividing up a portion of the budget among Neighborhood Councils was impossible. As I learned more about the City’s budget, I realized how few discretionary funds existed. Taking the funds and dividing them among Neighborhood Councils would hamper the City and still give each Neighborhood Council little in the way of funds.

I still favored an elected body, but that too raised a seemingly unsolvable issue: who could vote? Could non-citizens vote? There was strong pressure for this, but strong opposition to it too. Could business interests in a neighborhood get to vote? I didn’t think so, but found it hard to develop a principled argument as to why not.

So the charter that went before the voters created a system of Neighborhood Councils and a Department of Neighborhood Empowerment to oversee them. The Neighborhood Councils were to be advisory only. The charter said little about how they were to be selected. That was left to be worked out in each neighborhood.

As with everything else in charter reform, the provisions concerning Neighborhood Councils were a compromise. It made me appreciate how much the United States Constitution, too, was a compromise. The compromise succeeded: in June 1999, Los Angeles voters overwhelmingly passed the new charter. Not surprisingly, there was strong opposition in the Valley and among homeowners’ groups who had wanted elected Neighborhood Councils with decision-making authority. Many City Council members, including Jackie Goldberg, opposed the charter proposal on the grounds that it gave too much power to the Mayor.

But all of the efforts paid off in a new charter, even if it was a document that no one could love. It created a form of federalism with its system of Neighborhood Councils, although a very weak form of federalism at that.

## II. THE NEIGHBORHOOD COUNCIL AS TOOL FOR MINORITY REPRESENTATION

While the federalism in the Neighborhood Councils was not as strong as many had wished, it did offer a productive way for Los Angeles to engage some minority communities and offer them a path towards fuller membership in the city.

A. *An Overview of the Racial History of Los Angeles*

Los Angeles is a beautiful city, but it is one built on a history of political disenfranchisement of minorities. In the mid-twentieth century, there were a “wide range of racist policies” in the city—policies that prevented African-Americans, Hispanics, and Asian-Americans from having equal rights in the city.<sup>8</sup> The city had been at the epicenter of the rounding-up of Japanese-Americans during World War II, and, in the postwar era, there were many attacks by police against Mexican-Americans.<sup>9</sup> Racial covenants prevented non-whites from owning property in large parts of the city and, even after *Shelley v. Kraemer* made such covenants illegal,<sup>10</sup> “the practice continued informally for more than another decade” in large parts of the city.<sup>11</sup> The politics of race continued to dominate Los Angeles politics as ethnic minorities, particularly Hispanics, began to politically mobilize.<sup>12</sup>

As the city expanded and industrialized in the postwar era, there was growth in many small neighborhoods. But a single, citywide identity eluded Los Angeles. The 1960s and 1970s saw a “mix of urban decline and suburban expansion, to the point that L.A. appeared to lose any appearance of the classical ‘city,’ with a defined center and distinctive neighborhoods.”<sup>13</sup>

The Los Angeles of 1999 was still recovering from the riots earlier that decade. The city had developed in a “bimodal” political economy with fantastic wealth for those involved in the entertainment industry and related professions and a growing population, mostly minorities, who were “poorly educated” and “politically disenfranchised.”<sup>14</sup> The city was an incredibly diverse “salad bowl of cultures” where “106 languages were spoken, a fifth of the residents had been born in a foreign country, [and] nearly half the public-school children conversed in Spanish at home,” but there was little political power for minorities.<sup>15</sup> While Hispanics comprised forty percent of the city’s population, over two-thirds of the electorate remained non-Hispanic.<sup>16</sup>

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8. See REGINA FREER, ROBERT GOTTLIEB & MARK VALLIANATOS, *THE NEXT LOS ANGELES: THE STRUGGLE FOR A LIVABLE CITY* 25 (2006).

9. See *id.*

10. 334 U.S. 1 (1948).

11. FREER, GOTTLIEB & VALLAIANTOS, *supra* note 8, at 24.

12. See *id.*

13. *Id.* at 33.

14. MIN HYOUNG SONG, *STRANGE FUTURE: PESSIMISM AND THE 1992 LOS ANGELES RIOTS* 58 (2005).

15. LOU CANNON, *OFFICIAL NEGLIGENCE: HOW RODNEY KING AND THE RIOTS CHANGED LOS ANGELES AND THE LAPD* 4 (1997).

16. See *id.*

Within this system of political disenfranchisement for minorities, the City Council was very homogenous and generally controlled by the Anglo population. After World War II, the city was “run by a shadowy handful of businessmen—the so-called Committee of 25—who spoke with one voice, typically through the then-reactionary *Los Angeles Times*.”<sup>17</sup> It wasn’t until after the 1992 riots that minority communities in Los Angeles began widespread political organizing.<sup>18</sup>

### B. *Minority-Ruled Units of Political Power*

Although some progressives have embraced “the city” as a potential node for the empowerment of minorities, real empowerment requires that some power be lodged at an even more local level. When minority groups lack the ability to gain at least some control within a city, it becomes difficult to mobilize minority participation in the electoral process. In turn, it can be difficult for minorities to gain significant political representation. As Heather Gerken has argued, it is only so-called “special-purpose institutions,” which operate outside of the administrative units of the centralized government, that can “provide minorities with a chance to exercise voice inside the system, not to set policy outside of it.”<sup>19</sup> Localized institutions can “serve as sites of minority rule and sources of dialogue, dissent and resistance.”<sup>20</sup> In a system that builds “minority rule without sovereignty,”<sup>21</sup> minority groups become empowered to form units of government.

Within this context, one of the primary values of the Neighborhood Council system is to effectively empower minority communities to have a voice in urban policy. Los Angeles’s troubled racial history demonstrates the importance of taking federalism beyond the level of the city towards a more localized framework. In a system of political disenfranchisement, minorities need to have not just a voice at the table but also the capacity to organize a system of representation where they can have a large degree of control. These highly localized units may not exercise sovereignty, but they do form a basis for building political participation.

Within the traditional structure of Los Angeles city governance, it was unlikely that minorities would get any significant power. The Neighborhood Councils became an important tool for “deepening the quality of participation and fostering more positive attitudes toward city government.”<sup>22</sup>

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17. Peter Dreier, *America’s Urban Crisis a Decade After the Los Angeles Riots*, 92 NAT’L CIVIC REV. 35, 41 (2003).

18. *See id.* at 42.

19. Heather Gerken, *Foreword: Federalism All the Way Down*, 124 HARV. L. REV. 6, 27 (2010).

20. *Id.* at 28.

21. *Id.* at 45.

22. MUSSO ET AL., *supra* note 1, at 2.

### III. THE NEIGHBORHOOD COUNCIL AND MINORITY REPRESENTATION IN PRACTICE

Although some faulted the Neighborhood Councils for their limited role in formal decision-making within the city, this criticism ignores the key advantage of the Councils: their ability to bring traditionally under-represented communities into the political process.<sup>23</sup>

Although we believe that the Councils offer a critically important mechanism for minorities to gain a foothold in a political process that had traditionally marginalized them, we fully acknowledge that the level of minority participation in the current Council system leaves much to be desired. A 2004 study by Douglas Houston and Paul Ong demonstrated that, while four percent of the Los Angeles population participated in citywide elections, only thirteen percent participated in Neighborhood Council elections.<sup>24</sup> This low turnout fueled criticism of the Councils,<sup>25</sup> but we argue that such criticism is largely misplaced. The *quantity* of turnout is not the best metric for evaluating the Councils; rather, it is the *quality* of engagement that is the most important part of the Councils. Scholars who have studied neighborhood councils in greater depth have concluded that “the type of activities and participation in cities with [neighborhood councils] was qualitatively more meaningful and required a greater commitment and stronger personal relationships” than representation in cities without neighborhood councils.<sup>26</sup>

Different groups have engaged with the Councils in different ways. The Houston and Ong study found that areas that “have a higher composition of Hispanic residents” tended to have “lower participation.”<sup>27</sup> However, African-Americans participated at the same level as the average voter, and Asian-Americans participated at an even higher level than the average voter.<sup>28</sup> For example, the Council representing Chinatown was 46 percent Asian-American, and it had a participation rate of 11 percent—the highest of any Council.<sup>29</sup> Although further research would be required before speaking with any certainty, one possible explanation for this trend is that participation in the Neighborhood Councils does not require citizenship. While Council “stakeholders faced many of the barriers to participation identified in previous analysis of electoral voting and community engage-

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23. *See id.* at 15.

24. Douglas Houston & Paul Ong, *Determinants of Voter Participation in Neighborhood Council Elections*, 41 *NONPROFIT & VOLUNTEER SECTOR Q.* 686, 688 (2012).

25. *See id.*

26. *Id.*

27. *Id.* at 697.

28. *Id.* at 699.

29. *Id.*

ment,” Houston and Ong suggest that “the less restrictive [neighborhood council] participation requirements may foster participation among Asian communities,” who have significant non-citizen populations.<sup>30</sup>

Although the limited level of participation in Neighborhood Councils can be discouraging, the Councils form an important mechanism for further political mobilization within minority communities. Neighborhood Councils “set[] in motion the evolution of political networks, with interpersonal ties shaped by complex factors including rational calculation of the instrumental benefits of the relationships, psychological and affective factors, and social and institutional forces.”<sup>31</sup> Communities that have limited economic wealth will have fewer communal institutions that are the basis for the social capital for community involvement.<sup>32</sup> In this sense, the Neighborhood Councils add value by functioning as networks that bring together different individuals to form more social capital.<sup>33</sup>

Indeed, although the Councils do not exercise any formal control over urban policy, they *do* serve as an engine for political mobilization. In 2013, for example, Ron Galperin was elected City Controller after beginning his career on a Neighborhood Council.<sup>34</sup> The ability of the Councils to mobilize supporters to become active in the political life of the city has forced elected officials to respond to their concerns. Stephen Box, a former City Council candidate and Los Angeles activist, noted that “the fact that [the Councils] have given birth to so many candidates for municipal office . . . bears witness to their true potential and capacity for shaping the dialogue and bringing the neighborhoods to City Hall.”<sup>35</sup> Elected officials listen to the Councils because they are a source of political engagement, not because they wield formal power in policy-making.

While much of the literature has focused on the more easily quantifiable question of voter participation, the broader importance of the Councils is that they provide a means for traditionally disenfranchised citizens of Los Angeles to become engaged in the political life of the city. Although engagement is not easily quantified, it is nonetheless important. The Councils have become valuable nodes for engaging minorities in discussions about their role in the city. Indeed,

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30. *Id.* at 700.

31. Christopher Weare, Juliet Musso & Kyu-Nahm Jun, *Democracy by Design: The Institutionalization of Community Participation Networks in Los Angeles 4* (S. Ill. Univ. Carbondale Working Paper No. 18, 2009), [http://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1016&context=pn\\_wp](http://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1016&context=pn_wp).

32. *See id.* at 7.

33. *See id.* at 8.

34. *See* Alice Walton, *Neighborhood Councils: Where Government and Community Meet*, S. CAL. PUB. RADIO (Sept. 5, 2013, 6:00 AM), <http://www.scpr.org/blogs/politics/2013/09/05/14656/neighborhood-councils-where-government-and-communi/>.

35. Stephen Box, *LA Municipal Election Field Flooded with Neighborhood Council Veterans*, CITY WATCH (July 3, 2012), <http://www.citywatchla.com/archive/3392-la-municipal-election-field-flooded-with-neighborhood-council-veterans>.

the Councils are most effective at boosting minority representation when neighborhoods are constituted from minority communities.<sup>36</sup> Thus, although the practices of the Neighborhood Councils may not have lived up to the aspirations of their founders, they demonstrate a meaningful degree of federalism that allows local communities to build political power.

#### IV. LOOKING FORWARD

A decade and a half after the Los Angeles Neighborhood Councils were first created, there is still significant room for improvement. But there is also reason to celebrate their success. While there have been continued calls to formalize the Councils and provide them decision-making power, the 1999 debate and the ensuing experience demonstrates that the current system can be effective. The system should not be measured in terms of its ability to create new policy, but rather in terms of its ability to mobilize historically under-represented communities in Los Angeles. There, the record is mixed. But this Essay also points to positive trends in the Councils and their ability to build stronger networks within these communities. Today, no city-wide candidate would think of ignoring the Councils during their campaign.

We conclude this Essay by discussing the early-warning system. We also offer lessons for decentralized forms of community governance in other cities.

##### A. *The Effectiveness of the Councils and Early Warning*

While the Councils don't have the power to formally govern, they can be effective at mobilizing against actions by the city. Mounting sufficient opposition to a policy is much easier than creating policy. While the former is a more limited power, it does allow the Councils to provide an important check on the operations of the city. The Councils also shine a spotlight on some of the more bureaucratic procedures within city governance—procedures that might otherwise have gone completely unchecked by the City's residents.

One such instance of successful opposition to a city policy was the mobilization of the Neighborhood Councils against drastic increases in the price of water in 2004. That year, the Department of Water and Power proposed raising rates approximately eighteen percent for water distributed in the city.<sup>37</sup> Initially, the City Council's Commerce, Energy and Natural Resources Committee voted to approve the measure. But this Committee grew hesitant after strong opposition from the Councils. In response, the Chief Operating Officer for the city's water

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36. See Kyu-Nahm Jun & Juliet A. Musso, *Explaining Minority Representation in Place-Based Associations: Los Angeles Neighborhood Councils in Context*, 3 J. CIV. SOC'Y 39 (2007).

37. See Patrick McGreevy, *Councils Oppose Water Rate Hike*, L.A. TIMES, Feb. 4, 2004, [articles.latimes.com/2004/feb/04/local/me-water4](http://articles.latimes.com/2004/feb/04/local/me-water4).

authority engaged in dialogue with the Councils by sending out information to the Council leaders and then hosting five public fora designed to engage the Council leaders.<sup>38</sup> Regardless of the outcome of the process, the fact that the city felt compelled to engage the Councils after they voiced opposition is a telling demonstration of their power.

As mobilization against the rates increased, the Councils began to work together. Approximately fifteen Councils voted against the rate increase. An organization that helps to coordinate action amongst the San Fernando Valley Councils, the Valley Alliance of Neighborhood Councils, worked with the Councils to deepen opposition.<sup>39</sup> Ultimately, the rate increase was defeated. This demonstrated that the Councils can be effective mobilizers within city governance.

Mobilization in this context required having sufficient notice of when the policy was going to be enacted. Had the Councils known earlier, they would have been able to mobilize more effectively. If the Councils are going to play their role as a check on city decision-making, they need the type of advance notice that allows them to mobilize citizens on policy topics with which they may be completely unfamiliar.

To this end, the early-warning system needs to be improved. Under this system, the charter requires that the Councils be given an early warning of actions by the city. But this requirement has been weakly enforced.<sup>40</sup> Early warning is particularly important for neighborhoods with “language barriers that many residents face in learning about, attending, and participating in Neighborhood Council planning meetings.”<sup>41</sup> When a Council must translate an issue into a foreign language, or into an array of foreign languages, it is much harder for the Council to mobilize quickly.

As far back as 2006, Council leaders complained that the existing early-warning system was “not working well.” Councils were simply learning about issues too late.<sup>42</sup> In January 2013, the Board of Neighborhood Commissions sent a formal request to Mayor Antonio Villaraigosa asking for an executive order requiring city departments to provide early warnings to Councils whose constituents would be impacted by their decisions.<sup>43</sup> Council leaders noted that city officials had tried to push through a three-million dollar bond that would drastically hike

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38. *See id.*

39. James Nash, *DWP Chided on Water-Rate Hike: Panel Says Neighborhood Councils Left Out of Loop*, L.A. DAILY NEWS, Feb. 3, 2004, [http://ens.lacity.org/done/articles/donearticles54717234\\_02042004.pdf](http://ens.lacity.org/done/articles/donearticles54717234_02042004.pdf).

40. *Id.*

41. FREER, GOTTLEIB & VALLIANTOS, *supra* note 8, at 217.

42. McGreevy, *supra* note 37.

43. Gary Walker, *Board Representing L.A. Neighborhood Councils Asks for Notification*, THE ARGONAUT, Jan. 24, 2013, <http://argonautnews.com/board-representing-l-a-neighborhood-councils-asks-for-notification/>.

property taxes with less than two months' notice to the Councils.<sup>44</sup> While some warning occurs, the city officials "cherry-pick" which information to bring to the Councils.<sup>45</sup> With a more effective early-warning system, the Councils would be able to more effectively mobilize to check against city policies that are enacted without consent.

*B. Lessons Beyond Los Angeles*

While we are skeptical of projects that create huge amounts of decentralized power, Neighborhood Councils offer a successful compromise that allows for groups within Los Angeles to build new networks. The effort should be replicated in other cities that seek to empower minority groups.

Andrew Papachristos, Tracey Meares, and Jeffrey Fagan have studied gun crime in Chicago and have argued that one of the major sources of crime in the city is the lack of social networks to help youth feel connected to the communal fabric of the city.<sup>46</sup> When individuals view legal actors as lacking legitimacy, they are more willing to break the law.<sup>47</sup> The value of Councils in this context is that they help to build greater levels of social capital within cities, and can therefore begin the process of changing how historically disadvantaged communities view and interact with legal actors. By becoming owners of a smaller unit of governance, these communities can begin to feel a greater sense of ownership in the broader city.

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44. *See id.*

45. *Id.*

46. Andrew Papachristos, Tracey Meares & Jeffrey Fagan, *Why Do Criminals Obey the Law? The Influence of Legitimacy and Social Networks on Active Gun Offenders*, 102 J. CRIM. L. & CRIMINOLOGY 397, 436 (2012).

47. *See id.* at 400-01.

