

Communication from Public

Name: Public Democracy Los Angeles

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Council File No: 23-1027

Comments for Public Posting: Community coalition letter in support of the motion with comment (see File Attachment), signed by the following organizations and individuals recommending the CLA research how a “citizens’ assembly” could be implemented to encourage public engagement, representative participation, and trust in the charter review process: The American Public Trust, California Clean Money Campaign, Healthy Democracy, League of Women Voters of Greater Los Angeles, Los Angeles for Democracy Vouchers, Pete Peterson, Public Access Democracy, Public Democracy Los Angeles, Represent LA, The River Project, and Unrig LA.

January 16, 2024

Sharon Tso
Chief Legislative Analyst
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

RE: Motion to Study Charter Reform - Council File 23-1027 (Support & Comment)

Dear Chief Legislative Analyst Tso:

We, the undersigned organizations, are writing to voice our support for the motion to research best practices for a charter reform process—and recommend the CLA research how a “citizens’ assembly” could be implemented to encourage public engagement, representative participation, and trust in the charter review process.

According to the nonpartisan National Civic League’s 2011 Guide for Charter Commissions, “... a process of actively and effectively engaging citizens should be at the heart of any charter creation or revision.”¹ The guide states that, “The charter process functions best when it is rooted in citizen involvement rather than one influenced (intentionally or unintentionally) by political officials directly serving as members.”² Commission members should “a) be in touch with the perspectives present in the community; b) command respect from local residents; and c) bolster the confidence of citizens in the process and the work of the commission.”³ The ideal body is an “independent commission of citizens [empowered] to organize its review within the assigned scope and establish its schedule in order to facilitate its study of the charter and certain aspects of the government.”⁴ To ensure that all voices are given a fair hearing, the National Civic League says, “Everyone should be heard with time allowed for focused deliberation,” and ultimately, “At the heart of this process is the active and focused engagement of a diverse and representative group of community members.”⁵ Most critically:

When the commission is composed of community residents who are not involved in day-to-day governmental operations, the commission is able to be detached, objective and impartial. The most effective charter commissions are not dominated by lawyers, scholars, and accountants, but made up of civic-minded, intelligent lay people with a common-sense approach to things.⁶

We believe that for Los Angeles to effectively review its charter, a procedure must be in place that encourages broad levels of public engagement, representative participation, and trust in the process itself. A citizens’ assembly can help achieve this by creating a representative, deliberative, and independent forum in which

¹ National Civic League. “Guide for Charter Commissions: 6th Edition.” National Civic League. 2011.

<https://www.nationalcivicleague.org/resources/guide-charter-commissions-2011/guide-to-charter-commissions/>.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

residents are at the center of an informed and shared decision-making process. Finally, a citizens' assembly can contribute to the charter reform endeavor by reducing the stress experienced by commission members not knowing where communities stand on various issues of the charter and by making the experience easier for all parties involved.

LIMITATIONS OF TRADITIONAL CHARTER REFORM MODELS

Traditional charter commissions tend to rely primarily upon appointees or elected individuals as their members, leaving the people, with their immense diversity of experience and knowledge, inadequately represented or consulted. While both appointed and elected charter commissions have some advantages, appointed charter commissions have several limitations worth noting. As we witnessed in the crisis surrounding the City of Los Angeles' redistricting process, a conflict of interest arose when appointed commission members were asked to represent both the office that appointed them and the people writ large. Without real independence and more voices at the table, charter reform could suffer a similar fate. An elected charter reform commission, while theoretically more independent than an appointed charter commission, is subject to the challenges that arise from the electoral process itself: the influence of big money donors, a campaign finance system that requires disposable income to participate, and disproportionate money flowing in from special interest groups and donors living outside the City of Los Angeles.⁷ Furthermore, an elected charter commission would take more time than any other option because the City would need to conduct elections, and likely any runoffs, before seating a commission to begin its work. Finally, traditional public comment and participation processes, regardless whether they are under an appointed or elected commission, make it difficult for all voices from a community to enter into a sustained dialogue with commission members, creating many communication hurdles and logjams. For example, during the redistricting reform process, public presentations were made only by a hand-selected group of organizations in Los Angeles, and public comments during meetings were restricted to a few minutes, even deferred until the end of a council session, requiring interested participants to wait many hours until their voices were finally heard by council members. We need a better way to generate public engagement and receive public input in the charter review process.

THE PROMISE OF A CITIZENS' ASSEMBLY FOR CHARTER REFORM

An alternative to relying solely upon elected officials or appointees to serve as charter reform members is to create an independent body whose members are primarily or completely selected by democratic lottery.⁸ This would ensure that Los Angeles residents are fairly represented and engaged throughout the charter reform process in deliberation with one another. Furthermore, it has been demonstrated that when public officials convene a citizens' assembly, public trust in government increases.⁹ Even a hybrid commission, composed of elected officials or appointees alongside randomly chosen residents, like the 2012-2014 Irish Constitutional Convention,

⁷José Del Río III, Tom Latkowski, and Mike Draskovic. "Empowering Los Angeles: Expanding civic participation and donor diversity through democracy vouchers." Los Angeles for Democracy Vouchers, March 20, 2023. <https://tinyurl.com/3dv9s7sa>

⁸ Ariel Procaccia. "Citizens' Assemblies Are Upgrading Democracy: Fair Algorithms Are Part of the Program." November 1, 2022. <http://tinyurl.com/3fedwikt>.

⁹ Katherine Knobloch, Michael Barthel, and John Gastil. "Emanating Effects: The Impact of the Oregon Citizens' Initiative Review on Voters' Political Efficacy." *Political Studies*. June 6, 2019. <http://tinyurl.com/399czdtx>.

would reduce the influence of political pressures faced by appointees and the issues with electoral processes. Similarly, a lottery-selected assembly that supplemented an elected or appointed charter commission could legitimize the commission's work by acting in an advisory or evaluative capacity.

Abundant research has established that lottery drawn bodies handle complex policy questions effectively and fairly. People make sound judgements under deliberative conditions. According to a 2019 study in the journal *Science*:

Deliberation can overcome polarization. The communicative echo chambers that intensify cultural cognition, identity reaffirmation, and polarization do not operate in deliberative conditions, even in groups of like-minded partisans. In deliberative conditions, the group becomes less extreme; absent deliberative conditions, the members become more extreme.¹⁰

Democratic lotteries also improve the way the group functions. The journal *Group Dynamics: Theory, Research, and Practice* found that, "random selection of leaders can enhance group performance."¹¹ Furthermore, a 2021 study from the journal *Policy Design and Practice* details how "citizen sensemaking and citizen justifications can deliver insights for policy designers."¹² These diverse bodies also outperform less diverse bodies. According to a 2018 article in *The Harvard Business Review*, diverse teams are smarter than less diverse teams.¹³ The O.E.C.D. Compendium of literature and the Harvard Political Review article "The Case for Sortition in America" provide further evidence.^{14, 15}

Finally, an amended or revised charter needs to be ratified by the electorate. City officials can be confident that a document produced by a citizens' assembly has already been pre-approved by a representative body of residents. Likewise, voters will know that the new charter has been devised by people just like themselves.¹⁶

PRECEDENTS

Over the past several decades, hundreds of randomly selected citizens' assemblies throughout the world have offered effective policy recommendations when traditional routes have proven inadequate.¹⁷ Here is a list of lottery-selected bodies responsible for reviewing public governance procedures and founding documents:

1. The 2012-14 Irish Constitutional Convention: This body was made up of over 100 members: a chairman; 29 members of the Oireachtas (parliament); four representatives of Northern Ireland political parties; and 66 randomly

¹⁰ John S. Dryzek et al., "The Crisis of Democracy and the Science of Deliberation," *Science* 363, no. 6432 (March 15, 2019): 1144–46, <https://doi.org/10.1126/science.aaw2694>.

¹¹ S. Alexander Haslam et al., "Inspecting the Emperor's Clothes: Evidence That Random Selection of Leaders Can Enhance Group Performance," *Group Dynamics: Theory, Research, and Practice* 2, no. 3 (1998): 168–84, <https://doi.org/10.1037/1089-2699.2.3.168>.

¹² Alastair Stark, N. K. Thompson, and Greg Marston, "Public Deliberation and Policy Design," *Policy Design and Practice* 4, no. 4 (October 2, 2021): 452–64, <http://tinyurl.com/y7yx6hha>.

¹³ David Rock and Heidi Grant, "Why Diverse Teams Are Smarter," *Harvard Business Review*, November 4, 2016, <https://hbr.org/2016/11/why-diverse-teams-are-smarter>.

¹⁴ "Participo – Medium," accessed January 3, 2024, <https://medium.com/participo>.

¹⁵ Jacob Ostfeld, "The Case for Sortition in America," *Harvard Political Review* (blog), November 19, 2020, <https://harvardpolitics.com/sortition-in-america/>.

¹⁶ "Resident Engagement by Lot – PUBLIC ACCESS DEMOCRACY," accessed January 3, 2024, <https://publicaccessdemocracy.org/resident-engagement-by-lot/>.

¹⁷ "Citizens' Assemblies Worldwide," accessed January 3, 2024, <https://www.buergerrat.de/en/citizens-assemblies/citizens-assemblies-worldwide/>.

selected citizens of Ireland.¹⁸ Irish Citizens' Assembly of 2016-2018 resulted in a national referendum that amended Ireland's constitution to lessen restrictions on abortion.¹⁹ The Assembly of 2019-2021 gave rise to referendums, to be voted on in 2024, to remove gender biased language from the constitution.^{20, 21}

2. The 1972 Montana Constitutional Convention: Although not selected by lot, the Montana convention excluded previously elected officials and relied on ordinary Montana residents chosen in a special election. They rewrote the Montana constitution in two months.²²
3. The 2010 Iceland National Forum: The Icelandic government, in response to the economic meltdown, organized the National Forum, a body of 950 randomly selected citizens. The Forum gathered public input on the values and principles that should underpin a new constitution, identified key themes, and compiled a report presented to the Constitutional Assembly. Although the Assembly itself was elected, the report served as a guiding document.²³
4. The 2019 Citizens' Council of Ostbelgien: The parliament of Ostbelgien voted to establish a randomly selected Citizens' Council as a permanent structure of the Ostbelgien government.²⁴ The council sets agendas and convenes ad hoc citizens assemblies to recommend specific policies to parliament.²⁵
5. The 2021 Paris Citizens' Assembly: The city of Paris established a standing Citizens' Assembly as a permanent part of the city government, using the Ostbelgien model.²⁶
6. The 2004 British Columbia Citizens' Assembly on Electoral Reform: an independent, non-partisan assembly of 160 randomly selected British Columbia residents, examined the current provincial election system and suggested alternatives. Their final report and recommendation was submitted to the public and the final decision was put to a referendum. The referendum won 57.4% of the total votes cast, falling a few points short of the required 60%.²⁷
7. The 2018 Michigan Independent Redistricting Commission: Voters in Michigan passed an initiative amending the state constitution removing redistricting power from the partisan state legislature and giving it to a panel of thirteen Michiganders selected by lot.^{28, 29}
8. The 2022 Petaluma Fairgrounds Advisory Panel: The city of Petaluma, California convened a randomly selected citizens' assembly to make policy recommendations on the disposition of the city fairgrounds property, which

¹⁸“Constitutional Convention – Government Proposals « MerrionStreet.Ie Irish Government News Service,” November 12, 2012, <https://web.archive.org/web/20121112203439/https://merrionstreet.ie/index.php/2012/02/constitutional-convention-government-proposals-28-february-2012/>.

¹⁹“The Irish Citizens' Assembly Project,” accessed January 3, 2024, <http://www.citizensassembly.ie/work/#irish-citizens-assembly-2016-2018>.

²⁰“2020-2021 Assembly on Gender Equality,” *Citizens' Assembly* (blog), accessed January 3, 2024, <https://citizensassembly.ie/overview-previous-assemblies/assembly-on-gender-equality/>.

²¹“Two Referendums Set to Be Held on Gender Equality, Says Taoiseach,” *The Irish Times*, accessed January 3, 2024, <https://www.irishtimes.com/politics/2023/09/06/two-referendums-required-on-gender-equality-says-taoiseach/>.

²²“1972 Montana Constitutional Convention,” Montana History Portal, accessed January 3, 2024, <https://www.mtmemory.org/nodes/view/91422>.

²³“Icelandic National Forum 2010 – Participedia,” November 7, 2010, <https://participedia.net/case/130>.

²⁴“OIDP,” accessed January 3, 2024, <https://oidp.net/en/practice.php?id=1237>.

²⁵Ieva Cesnulaityte, “How Ostbelgien Became a Trailblazer in Deliberative Democracy,” *Participo* (blog), May 22, 2020, <https://medium.com/participo/how-ostbelgien-became-a-trailblazer-in-deliberative-democracy-62c3bb1fa560>.

²⁶Federation for Innovation in Democracy - Europe. “THE “ASSEMBLÉE AS AN CITOYENNE DE PARIS” INSTITUTIONALIZED MODEL OF DELIBERATIVE DEMOCRACY AT THE CITY LEVEL. FIDE POLICY NOTE 02.” <http://tinyurl.com/9pe4uwc9>.

²⁷“British Columbia Citizens' Assembly on Electoral Reform – Participedia,” January 12, 2004, <https://participedia.net/case/1>.

²⁸“Redistricting,” Voters Not Politicians, accessed January 3, 2024, <https://votersnotpoliticians.com/redistricting/>.

²⁹“Michigan Independent Citizens Redistricting Commission,” accessed January 3, 2024, <https://www.michigan.gov/micrc>.

had been mired in controversy.^{30, 31}

CONCLUSION

We thank Council President Krekorian and Councilmember Harris-Dawson for spearheading this motion, as well as Councilmember McOsker for seconding the motion. Researching best practices and priority sections for a charter reform process, including options for periodic charter review, will inform the City of Los Angeles on next steps for establishing a charter reform commission. We recommend the CLA look into how a citizens' assembly could be implemented to encourage public engagement, representative participation, and trust in the charter review process as either the primary or supplementary charter review commission body. Additionally, we encourage the CLA to clarify the powers of an assembly-style commission. By involving a representative cross-section of Angelenos, including potentially members of the Council or their appointees, Los Angeles' charter commission will instill greater levels of trust, accountability, and participation in creation of the city's foundational document.

Sincerely,

The American Public Trust
California Clean Money Campaign
Healthy Democracy
League of Women Voters of Greater Los Angeles
Los Angeles for Democracy Vouchers
Pete Peterson
Public Access Democracy
Public Democracy Los Angeles
Represent LA
The River Project
Unrig LA

³⁰ "2022 Petaluma Fairgrounds Advisory Panel – Healthy Democracy," accessed January 3, 2024, <https://healthydemocracy.org/what-we-do/local-government-work/2022-petaluma-fairgrounds-advisory-panel/>.

³¹ "Building the Future of Democracy in Petaluma, California," New America, accessed January 3, 2024, <http://newamerica.org/political-reform/briefs/citizens-assemblies-petaluma-california-cogovernance/>.