

Regional Grievance Panel Special Meeting

Monday, September 18, 2017 6:00pm
IMAN Foundation
3376 Motor Avenue
Los Angeles, CA 90034

Grievance Panel Determination Grievance #100

Grievance Filer: Margaret Molloy

Responding Neighborhood Council: Venice Neighborhood Council

Grievance Panelists: Lisa Chapman, Nicholas Greif, and Jamie Keeton

Grievance Panel Determination (3-0-0 unanimous vote):

To reject the grievance #100, recognize the valid concerns raised by the filing parties regarding technological issues that occurred at the responding neighborhood council, and to request that the Department of Neighborhood Empowerment clarify and improve the grievance process regulations, in particular with regards to the confusion caused by the supporting documents section of the grievance form, which allows filers to submit documentation to help the department in determining if a grievance panel should be formed but then cannot be reviewed by the grievance panel itself as evidence.

Summary of Findings:

The grievance panel heard ten minutes of testimony from the filing party, ten minutes of testimony from the responding neighborhood council, and five minutes of rebuttal from the filing party, in addition to two minutes of public comment from one public commenter.

In addition, over two dozen questions were directed from the panel to both parties to the grievance to determine the facts and validity of the concerns raised.

During this process of discovery, the filing party reported a number of concerns with the process of how the responding neighborhood council handled a specific planning case in the responding neighborhood council's jurisdiction. In particular, concerns were raised about an e-mail account historically used by the land use committee that was partially or fully defunct, that they did not feel they were adequately made aware of. The filing party also expressed concerns that the outcome of the land use committee was not fairly or adequately presented to the full responding neighborhood council board and that the board voted in a manner that was largely different than the sentiment of those in the room or the local community. Finally, the filing party generally expressed dissatisfaction with the actions of the responding neighborhood council's board in terms of the positions it has taken and the board not listening to and acting on the concerns raised by the filing party.

The responding neighborhood council reported that there were issues with the e-mail address in question, and that these issues were addressed once the responding neighborhood council was made aware of them. The responding neighborhood council also declared that the concerns

raised were primarily subjective and that the responding neighborhood council had not violated or broke any of its bylaws or ground rules in question and was confused as to which grievance was being raised or which rule was broken.

One public commenter reiterated their belief that the concerns raised by the filing party were matters of opinion and that the rules of the responding neighborhood council were not broken.

Deliberation by the panel determined that there are many contentious neighborhood issues in the responding neighborhood council's area and that the focus of the hearing must focus on the actions of the full board. Due to the grievance panel regulations, committee actions are excluded from consideration. Further, political factors, such as how a neighborhood council represents its constituents is subjective and also not a subject within the remit of the panel.

Focus thus centered on if a bylaw or standing rule had not been followed, per section 1.c.1.A of the Neighborhood Council Grievances policy manual, as the only applicable grievance that could be relevant in this case. The filed grievance alleged that sections of the responding neighborhood council's bylaws and standing rules had not been followed. Bylaws: VI.B, VI.C, VI.E, VII.1.F, VII.3.D. Standing Rules: 8 and 30.

Bylaws sections VI.B, VI.C, VI.E are all descriptions of the duties of officers. The panel determined that these sections were not applicable as they describe the duties of the responding neighborhood council's board officers and the remedial action for board members not following their officer duties is removal of those officers via Bylaw Section V.9. Nor did it appear that any officer had failed to follow their duties, knowingly or unknowingly.

Focus centered on Bylaw VII.1.F where it states that "the Land Use and Planning Committee recommendations to the Board of Officers shall be in the form of a written report, which shall include a project description, pros & cons, a summary of community input and any LUPC findings."

Had a written report not been submitted, or had the contents not attempted to include the required components of "a project description, pros & cons, a summary of community input and any LUPC findings" then a bylaw violation could have occurred. During question and deliberation, it was determined that a written report was submitted. Without the report in front of the panel, it was not clear that any section of the written report had clearly not included the required items. It was also noted that the rule only requires the report contain that information, but does not require any level of accuracy in the written report.

Section VII.3.D regards actions by committees and thus was excluded from consideration.

Standing rule section 8, was deemed to not have been violated. The rule indicates that speaker cards should be tallied and logged if the 'in lieu of speaking' box is ticked. However, all speakers actual spoke, according to testimony at the hearing, and no cards needed to be logged.

Standing rule section 8, was deemed to not have been violated. The rule indicates paper records do not need to be retained more than five years. No indication existed that records were

destroyed, just selectively produced, and even if records were not kept, the specific standing rule only says when a record can definitely not be retained, and makes no mention of how long a record should be retained.

For all those reasons, the unanimous determination of the panel was to reject the grievance.

Admonishment to the Department Regarding the Grievance Panel:

The most clear finding from the hearing, and agreed to by all parties present, was that the process that led to this particular hearing was gravely flawed. In the opinion of the panel, this grievance should never have been empaneled. The grievance form itself attempts to submit five grievances, when only one is allowed per form and only three allowed per individual per year. That this grievance was allowed to be filed without revision, and a grievance panel arranged, led to ample confusion for all parties as to what grievances were eligible or at issue.

Further, the grievance form allows supporting documents to be submitted. However, it is not clear on the form that this is for validation by the department, and not for review by the panel. This led to ample confusion by the applicant, responding neighborhood council, and panel.

These issues were amplified as the grievance panels do not have presiding officers or personnel from the City to clarify these issues. If quasi-judicial panels are being used in the Neighborhood Council system to review grievances, clear rules, processes, and city-employed rule-arbiters should be in place.