



Grievance Determination

Grievant's Name: Gina Thornburg

Neighborhood Council: Woodland Hills-Warner Center Neighborhood Council

Grievance Number: 186

Violation Alleged: Neighborhood Council Bylaw; Plan for the Citywide System of Neighborhood Councils

Date of Viewing: August 7, 2019

The Department shall review a Grievance within seven calendar days of submission to determine whether the Grievance conforms to the Grievance Policy. Upon a determination that a Grievance conforms to the Policy, the Department shall certify the Grievance for disposition and notify the affected Neighborhood Council that the Grievance may proceed through the Grievance process established herein. The certification of a Grievance by the Department shall not be construed as a statement regarding the validity or invalidity of the Grievance.

This Grievance was reviewed by:

1). Lorenzo Briceño

The Neighborhood Council Grievance process is, in general, authorized to address alleged violations of the Neighborhood Council's rules, Los Angeles City ordinances regarding the Neighborhood Council system, Neighborhood Council funding rules from the City Clerk, or policies of the Department of Neighborhood Empowerment or Board of Neighborhood Commissioners. The jurisdiction of complaints that are reviewed under the Neighborhood Council Grievance process is limited in scope. For example, the Neighborhood Council Grievance process is prohibited from addressing allegations against individual board members or addressing violations of State or Federal law.

The Department investigated the alleged violations stated in Grievance #186 and found that, no rule or bylaw was broken and therefore, no violation(s) occurred. Although the Neighborhood Council Grievance process is prohibited from addressing allegations, actions or in actions of a committee, it is important to note that the May 28, 2019 committee meeting was cancelled.

Additionally, As written in Article X, Section 6 B, it is unclear if the second highest number of votes applies to each RSR, BSR and ASR seat, which means there are 3 alternates for each seat respectively or if the candidate with the highest number of votes will serve as the alternate for the Area regardless of the seat category.

For Area 1, Karen Dibiase had the highest number of votes compared to the other "runner ups" in the RST, BSR and ASR seat. Karen qualified as the alternate for Area 1. For Area 3, Marty Lipkin had the highest number of votes compared to the other "runner ups" in the RST, BSR and ASR seat. Marty qualified as the alternate for Area 3.

Moreover, the Grievance stated that On June 12 both of the elected representatives for Area 1, Aaron Quantz (RSR 1) and Komalpreet Bath (ASR 1) were present. According to the WHWCNC's 6/12/19 Board Meeting minutes, all three representatives for Area 3 were present at the Board Meeting. 2 of 3 representatives for

Area 1 were present at the Board Meeting. BSR seat is vacant. Due to the vacancy, Karen Dibiase qualified to serve as the alternate for the BSR seat and voted.

Lastly, while the WHWCNC's bylaws state "In the event that a Representative resigns, is removed, or is unable to serve, the Alternate shall become the Representative for the remainder of the Representative's elected term." The bylaws are silent on what happens if there is no representative for a seat (vacant seat) but one can interpret WHWCNC's vacancy clause applies, which allows the alternates to fill the vacant seat.

The Department concluded that the WHWCNC was within their right to appoint the alternate to the vacant seat and therefore, this grievance is dismissed and will not be forwarded to the Woodland Hills-Warner Center Neighborhood Council for further action.