



Grievance Determination

Grievant's Name: Charles Fleming

Neighborhood Council: Reseda Neighborhood Council

Grievance Number: 191

Violation Alleged: Any other City code, executive directive, rule or regulation applicable to Neighborhood Councils.

Date of Viewing: July 24, 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. In this case, the grievance process shall not be applicable to an allegation involving a dispute or disagreement regarding the position of a Neighborhood Council board. The board as a body made a decision to take action and that action was by a majority of the board.

However, the Department investigated the alleged claims that members of the Board engaged in private deliberations during the Board meeting. The Department determined that the Board called for a five-minute recess to allow Board members and the public a break between long discussions on the agenda. Private deliberations were not conducted and the Board called the meeting back to order at the conclusion of the break. Upon their return, Board members continued to discuss the language that would construct their motion.

Furthermore, private deliberations were not conducted to support the alleged claim that private discussions were held to enable Board members to offer and amended motion to the original motion. The Board called the meeting back to order at the conclusion of the break. Upon their return, Board members continued to discuss the language that would construct their motion.

The Department has concluded that the Board approved a motion to submit a CIS on the issue. The CIS was drafted by one Board member and sent to the President for review and approval. Upon review, the President, noted that the drafted language differed from the language proposed by the motion makers and approved by the Board. The President consulted with the motion makers who confirmed that he drafted was incorrect.

They provided clarification based on notes, a new CIS was drafted using the language provided by the originators of the motion and the CIS was submitted.

At the following Reseda NC meeting, a Board member who voted on the prevailing side requested reconsideration on this item. The Board voted to reconsider the item and it will be brought back to the Board for future discussion.

Accordingly, this grievance is dismissed and will not be forwarded to the Reseda Neighborhood Council for further action.