



Grievance Determination

Grievant's Name: Clara Solis

Neighborhood Council: Historic Highland Park Neighborhood Council

Grievance Number: 237

Complainant Alleges Violation of the Following: Neighborhood Council Bylaws; Los Angeles Administrative Code; Plan for the Citywide System of Neighborhood Councils; Board of Neighborhood Commissioners Policy; Department Policy

Date Received: June 15, 2020

Date of Department Review: June 19, 2020

The Department reviews all Grievances to determine whether the Grievance conforms to the Grievance Policy. Upon a determination that a Grievance conforms to the Policy, the Department will certify the Grievance 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.

Dear, Ms. Solis:

Thank you for contacting the Department of Neighborhood Empowerment (DONE) via the [Grievance Portal](#) relative to your grievance against the Historic Highland Park Neighborhood Council on June 15, 2020. 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 (BONC). 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.

Your grievance alleges:

1. (A), A Brown Act violation occurred regarding posting notification to the public.

RESPONSE: This matter addresses a violation of State law which does not conform with the grievance procedures described above. However, a separate letter will be forthcoming describing the alleged Brown Act violation.

(B) That bylaw amendments were approved during a 'June 4th, 2020 special meeting', which is a direct violation of Article XIII, A: Amendments of the HHPNC [bylaws](#).

RESPONSE: After investigating the alleged violation the Department learned that the June 4th, 2020 Board meeting was a regular meeting at the standard date and time when the HHPNC Board meets

monthly. The action taken at that meeting to amend the HHPNC's bylaws was done during a regularly scheduled meeting. The Chair clarified that the special meeting label was a mistake.

(C) Alleged violation is that for the June 4th, 2020 regular board meeting, a 72 hour notice was not satisfied by receipt of the agenda by the Department and that adequate notice was not provided to the public.

RESPONSE: The Board of Neighborhood Commissioner's [Posting Policy Number 2014-01.1](#) states that Section 3

"Neighborhood Councils shall submit a copy of all regular and special Board and Committee agendas to the Department of Neighborhood Empowerment (Department) to be posted through the Early Notification System (ENS). The agenda for regular meetings shall be submitted to the Department not less than 72 hours in advance of the meeting and the agenda for special meetings shall be submitted to the Department not less than 24 hours in advance of the meeting. As soon as feasible, the Department will submit the agenda for posting to the ENS system. Accordingly, posting the notices of meetings to the ENS system will not be required to comply with the Brown Act's time limits for posting agendas."

The agenda was received by the Department 72 hours in advance in conformance with the Commission's policy and the notification was within the Commission's policy.

2. Alleged violation is that the HHPNC failed to provide you proper public protocol for completing new bylaw changes.

(A) "The bylaws were rushed and unsatisfactorily vetted out during public meetings."

RESPONSE: The Department looked into the matter and found that a violation did not occur.

(B) "The Rules Committee was formed without allocating stakeholders (per the current bylaws) to the committee for proper and accurate due process.

RESPONSE: The Department looked into matter and found that a violation did not occur. The Rules Committee was comprised of board members and one stakeholder. This satisfies the HHPNC bylaws requiring that the Rules Committee is comprised of both board members and stakeholders.

(C) An allegation that the Rules Committee did not allow stakeholders to be involved in the process.

RESPONSE: The Department looked into matter and found that a violation did not occur. The Rules Committee held a public meeting and public comment was offered. Additionally, the Rules Committee is comprised of both board members and stakeholder(s).

(D) "Stakeholders were never allowed the opportunity to brainstorm, present their suggestions for bylaw changes, or the opportunity to discuss possible changes."

RESPONSE: The Department looked into matter and found that a violation did not occur. The committee held a public meeting and public comment was offered. The Rules Committee was comprised of board members and one stakeholder. This satisfies the HHPNC bylaws requiring that the Rules Committee is comprised of both board members and stakeholders.

(E) "The final proposed changes to the bylaws were presented on May 7, 2020. The public was allowed to make 2 minutes of comments on all of the changes to the bylaws. They were not allowed to speak to each proposed change."

RESPONSE: The Department looked into matter and found that a violation did not occur. Public comment was allowed when the item to change the bylaws came up at the June 4th board meeting.

3. Concerns with how the Rules Committee is holding its meetings.

RESPONSE: There were several concerns related to how the NC is holding its meetings. However, after looking into your concerns, the Department found that a violation did not occur. Under the Governor's Executive Order relative to the Brown Act, during the Covid-19 crisis, neighborhood councils may hold public meetings "telephonically or otherwise electronically." The HHPNC has held meetings using the Department's protocols for access via two methods: telephone and online.

4. Rules Committee Meetings listed relating to your grievance.

RESPONSE: The concerns you listed in your Grievance regarding the HHPNC Rules Committee meeting do not conform to the Department's [Grievance Policy](#).

After carefully reviewing your grievance as well as your supporting documents, the Department found that no violations occurred. Accordingly, this grievance is dismissed and will not be forwarded to the Historic Highland Park Neighborhood Council for further action.

Thank you for bringing this issue to the Department's attention. I hope that is has been addressed to your satisfaction.

Respectfully,