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### Grievance Determination

**Grievant's Name:** Gemma Marquez

**Neighborhood Council:** Historic Highland Park Neighborhood Council

**Grievance Number:** 238

**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 21, 2020

**Date of Department Review:** July 7, 2020

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#### GRIEVANCE-PROCESS:

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 certifies the Grievance and notifies 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. If a determination is made that the grievance has merit, a notification is sent to the Neighborhood Council in question describing the suggested remedy.

Dear, Ms. Marquez:

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 21, 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), "Allegations that stakeholders were isolated, marginalized, discriminated against and ignored by the exclusive HHPNC Rules committee and HHPNC Board."

**RESPONSE:** The allegations mentioned in your grievance are considered to be disagreements with the neighborhood council's committees and their process which does not conform to the grievance procedures described above.

2. (A), An allegation that the Rules committee did not accept stakeholders on to the committee per the HHPNC by-laws.

**RESPONSE:** The Department looked into matter and found that a violation did not occur. The Rules committee was comprised of board members and a stakeholder. Although stakeholder membership was not more than one stakeholder on the committee that does not suggest that the committee did not act in accordance within the guidelines of Article VII Committees of the HHPNC's [bylaws](#). Stakeholder participation was allowed. This satisfies the HHPNC bylaws requiring that the Rules committee is comprised of both board members and stakeholders.

3. (A), Alleged violation is that the HHPNC Rules Committee failed to comply with the Los Angeles Administrative Code, Section: 22.811 (a), Certification of Neighborhood Councils to permit stakeholders to participate in the conduct of business, deliberation and decision-making.

**RESPONSE:** The Department looked into the matter and found that a violation did not occur. Stakeholder membership was allowed. The intent of the code is to ensure inclusivity. The neighborhood council allowed stakeholder participation and the fact that the Rules committee was comprised of one stakeholder demonstrates that the committee was acting within the guidelines of the administrative code to allow stakeholder membership and participation.

4. (A), Alleged violation is that the HHPNC Rules committee failed to comply with the Board of Neighborhood Commissioners Policy, Ordinance 15-1022 – Stakeholder Definition V2 – The Charter of the City of Los Angeles (Sec.906) (a) outlines that “neighborhood council membership will be open to everyone who lives, works or owns property in the area **(stakeholders)**.”

**RESPONSE:** The Department looked into matter and found that a violation did not occur. The Rules committee's membership includes stakeholders and although committee membership was comprised of only one stakeholder that does not prove that committee membership is only limited to one stakeholder. While one stakeholder does not equal stakeholders, the fact remains that committee membership was and is, open to all stakeholders (plural).

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. As an added point of information, the Board of Neighborhood Commissioners recently approved board structure changes to the Historic Highland Park Neighborhood Council's bylaws. The revised bylaws specify the number of stakeholders who may serve on the rules committee. This might address the concern raised in the grievance as the Neighborhood Council moves forward.

Thank you for bringing this issue to the Department's attention. I hope the Department's description of the Historic Highland Park Neighborhood Council's application of the rules provides clarification of the circumstances in question.

Respectfully,