

GRIEVANCE PANEL 256 DETERMINATION

Mar Vista Community Council

Panelists: Carol Newman, Chair; David Greenman; Richard Loew

Date of Hearing: March 30, 2021

Author: David Greenman

I am writing today in regards to Grievance #256 against the Mar Vista Community Council which our Regional Grievance Hearing Panel heard on March 30, 2021.

While it is not unexpected to see animus in a grievance hearing, the panel found this case disturbing. However, we were not asked to rule on the inciting incident of board member misconduct from July 14, 2020, but solely on the MVCC's subsequent handling of a censure vote on September 8, 2020, as no grievance had been timely filed relating directly to the July 14 conduct.

In reviewing video from both the above mentioned MVCC board meetings, it is abundantly clear that First Vice-Chair Stacy Shure conducted herself in a manner that violates the BNC Code of Conduct and would certainly be met with repercussions in a properly handled situation. Her choice not to show proper contrition or even to appear and show ANY contrition in person is, as one of the public commenters mentioned, an embarrassment to MVCC and to our Neighborhood Council system in general. Both of these statements hold true even without any context of Ms. Shure and Andrea Ambriz's prior relationship.

DONE should have quickly addressed this issue following the July 14th meeting. While the censure motion that was filed was the appropriate legal step to take, the DONE representative for this board should have immediately taken an active role in advising the best course of action before this snowballed into the mess that we were treated to in our hearing.

With regard to the censure motion on September 8th, it does appear that MVCC Chair Elliot Hanna followed the general procedure for such a motion. It would have been incredibly helpful to have had official guidance from DONE and the City Attorney to corroborate our finding. I hope that will be rectified in future grievance hearings.

Grievance #256 contains two assertions and I will handle them in reverse order of their appearance on the filing:

The second assertion is that MVCC "did not place said Board member on notice of misconduct and provide the Board member with an opportunity to correct the misconduct."

Ms. Shure's statement of apology and choice not to appear at the September 8th board meeting clearly show that she was given notice and had an opportunity to "correct" her misconduct. I use "correct" in quotes because we have no authority to rule on her July 14th behavior and had the censure passed, that would have been the next step toward a "correction." The panel's personal views of Ms. Shure's tepid apology statement cannot be considered.

The primary assertion is MVCC "did not engage in a good-faith determination" regarding the censure motion. It is clear, on the September 8th video, that the MVCC Board did engage in a reasoned determination, whatever their personal views may have been, and it is not within the purview of this panel to overturn that determination. .

It was brought up during the panel hearing that perhaps the censure motion could or should have been amended during the hearing to only include the acknowledgement of Ms. Shure's direct behavior at the July 14th meeting without including references to racism which may or may not exist, but cannot be inferred as the cause of Ms. Shure's behavior. The panel believed that this could have been done but Mr. Hanna correctly asserted at our hearing that he was under no obligation to do so.

The allegations of obstruction, racism, favoritism, and bullying that came out in both the September 8th meeting and during our hearing's public comments paint a picture of the MVCC that is incredibly concerning regardless of which faction, or possibly both, are correct. I would **STRONGLY** urge DONE to make sure a DONE representative is present at all future MVCC meetings and further encourage board members there to use this grievance policy which was regrettably not available in July of 2020 should future issues arise.

Our ruling on March 30th was 2-to-1 rejecting Grievance #256, with both rejection votes containing much reservation. Richard Loew submits the following dissent to our ruling:

"I respectfully dissent. I agree that the manner in which the Motion for Censure was handled was procedurally correct. It was properly noticed, members of the public were given an opportunity to comment, members of the board were given an opportunity to speak prior to a vote, and a vote was properly taken. However, I do not believe that procedural correctness is sufficient in this instance to relieve the Board of its duty to make a "good faith determination" as to whether conduct which is the subject of the censure motion violates the Code of Conduct. The Motion for Censure noted several actions by Ms. Shure that took place over the course of two meetings. The primary catalyst for the Motion was Ms. Shure's vulgar gesticulation during a public meeting on July 14, 2020. No one disagrees that this was a violation of the Code of Conduct. As Board President, Mr. Hanna had an obligation to guide the hearing in a manner that would give the Board every opportunity to properly look at the issue and make a reasonable determination. In this case, Mr. Hanna should have suggested that the Motion for Censure be amended to solely deal with the obvious violation. By failing to do so, the Board did not have an opportunity to make a good faith determination on that conduct. I would uphold the grievance

and send the Motion to Censure back to the Board to consider only whether Ms. Shure's vulgar gesticulation violated the Code of Conduct and thus required censure.

I will add that I believe DONE has failed in its responsibilities to properly train Board members on a new aspect of their bylaws. Mr. Hanna, when questioned about amending the Motion to Censure, stated that he was unsure that he could do that. I believe him. None of us, on our Neighborhood Council boards or on this grievance panel, have been given any previous training as to how these motions should be treated, and what powers and obligations the Board has to act. We are being blindly thrown into a process with little or not guidance."

Determination submitted to DONE 4/5/21.

David Greenman