To: The Department of Neighborhood Empowerment

From: Kiersten Cluster, Elephant Guardians of Los Angeles

Date: February 14, 2018

RE: **Grievance Against Sherman Oaks Neighborhood Council**

I am hereby filing a formal Grievance, pursuant to Section 22.818, Article 3 of Chapter 28 of the Los Angeles Administrative Code, based on events that occurred during the Sherman Oaks Neighborhood Council (SONC) Meeting on February 12, 2018.

This Grievance is based on violations of the SONC by-laws, the Brown Act, and any and all other applicable codes, rules, and/or regulations that govern neighborhood councils in Los Angeles.

**BASIS OF GRIEVANCE:**

On February 12, 2018, the SONC agenda included the following item:

9. City Council File 17-0453 re: “Billy” Asian Elephant

A. Presentation by John Lewis, Director of the Los Angeles Zoo

B. Possible Motion – Jill Banks Barad

C. Public Comments

D. Board discussion and vote

I was aware that this issue was on the agenda because I attended the SONC meeting the month prior and spoke during the general public comment period regarding City Council File 17-0453. I asked SONC to consider supporting City Council File 17-0453. I was told that they would include this matter as an agenda item at the next meeting and I was welcome to return and provide public comment. They also stated that a representative of the zoo would be invited to make public comment.

I emailed President Ron Ziff in advance of the meeting to confirm that the item would be included on the agenda. He told me I had to wait until the agenda was posted. As of the morning of Saturday, February 11, 2018, the agenda was not posted on the website in violation of the Brown Act. I confirmed that the item was on the agenda through the clerk for SONC.

One hour before the meeting, my group confirmed that the agenda was posted and the item was scheduled to be heard. That is when we learned that the zoo would be making a presentation. When we arrived, we inquired if we would also be given equal time to make a presentation. Mr. Ziff asked what side we were on before he responded. He appeared quite hostile to us once he knew we supported City Council File 17-0453. We were informed by Mr. Ziff that we could choose: we could either make one presentation or give public comment, we were not permitted to do both. We choose public comment because we were not informed of the possibility of giving a presentation and we were not prepared. However, the zoo supporters were allowed both the presentation and public comment which was clearly denied to us.

During the meeting, representatives of the zoo were permitted to make a presentation, show a video, give public comments, and the Director of the Los Angeles Zoo was given time for a question and answer session with SONC that was not on the agenda (see above) and which occurred after the public comment session giving us no chance to respond. In fact, we were not allowed to ask questions of Lewis or to respond to any of his comments or answers.

Elephant Guardians of Los Angeles, and other members of the public in support City Council File 17-0453, were only permitted to give public comment (each person was given only one minute). In addition, we were not permitted to applaud during the proceedings (Mr. Ziff would bang his gavel and threaten to throw us out), however, zoo supporters were allowed to applaud and hold signs until another member of the council stood up and stated that no one was allowed to do so.

Elephant Guardians of Los Angeles submitted written material to SONC, including an expert statement by Dr. Gay Bradshaw, in support of City Council File 17-0453, but to my knowledge SONC did not review any of our materials prior to the vote.

SONC decided that John Lewis, Director of the Los Angeles Zoo, is the expert on all issues related to City Council File 17-0453 even though no evidence was submitted that he is an expert on Elephant care, Elephant needs, or Elephant sanctuaries (his expertise is in the area of zoo management). Even if John Lewis could be considered an expert on any of these subjects, he has an inherent conflict of interest regarding City Council File 17-0453.

A motion was made and SONC voted regarding their position on City Council File 17-0453. The final count was: 3 in favor, 5 opposed, 8 abstentions. According to the SONC bylaws, an abstention is a “yes” vote, so the motion actually carried. However, Mr. Ziff ruled that the bylaws were mistaken and an abstention would count as not voting at all. The members abstaining made it very clear that they were doing so because they did not have sufficient information to make a decision, yet the council proceeded with the vote.

**REMEDY SOUGHT:**

1. We hereby request that SONC abide by their by-laws and regard the abstentions as “yes” votes in support of City Council File 17-0453.
2. In the alternative, we request that the vote taken regarding item #9 on the SONC agenda dated February 12, 2018, be invalidated or, at the least, until such time as the above violations are corrected.

1. An apology for the rude and discriminatory treatment we received from Mr. Ziff and SONC, the hostile environment at the SONC meeting, and the biased nature of the entire proceedings, would be welcome.

Respectfully submitted,

Kiersten Cluster

Co-Founder, Elephant Guardians of Los Angeles

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