

# DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT WITNESS STATEMENT FORM

FOR DEPT USE ONLY

Grievance # \_\_\_\_\_  
Witness Form # \_\_\_\_\_

Witness Name: Alex Hertzberg Contact Number: 323-653-4800

Mailing Address: 645 W. 9TH ST. #110-386 Email: alex@sp-dtla.org  
LOS ANGELES, CA 90015

Grievances are defined as set forth in the Los Angeles Administrative Code Section 22.818.

AND the terms and conditions of Article XI "Grievance Process" of the DLANC Bylaws.

"The following information contained herein is within my own personal knowledge and relates only to facts and circumstances surrounding the Grievance submitted by Alex Hertzberg/ on 4/14/16 regarding Downtown LA Neighborhood Council." SPDTLA

My address is 645 West 9<sup>th</sup> Street, Unit 110-386, Los Angeles, CA 90015 and I am a Stakeholder of the Downtown Los Angeles Neighborhood Council ("DLANC"). I am also an officer of the SOCIETY FOR THE PRESERVATION OF DOWNTOWN LOS ANGELES ("SPDTLA"), a California Public Benefit Corporation comprised of Stakeholders of the DLANC.

I was present at both the January 19, 2016 DLANC Planning and Land Use Committee Meeting and the February 9, 2016 DLANC meeting.

I prepared and signed the attached Grievance Form and confirm that the facts stated therein, and within any and all attachments, are true and correct to the best of my knowledge, information or belief.

I also prepared and signed the document (attached to the Grievance Form) entitled *Grievance Pursuant to DLANC Bylaws; Demand for Cure or Correction Pursuant to Brown Act* ("Original Grievance") which sets forth facts and arguments identical to and incorporated in the DONE Grievance form.

The Original Grievance was prepared and submitted in compliance with all of AND the terms and conditions of Article XI "Grievance Process" of the DLANC Bylaws which are posted on the DLANC Website and clearly state: "Any grievance by a Stakeholder must be submitted in writing to the Board who shall cause the matter to be placed on the agenda for the next regular DLANC meeting." The Bylaws do not state a time limit for submitting the "writing" or that the "writing" must be on a specific form. They also do not state that the grievance must first be submitted to DONE.

As a courtesy, and although not specifically required by DLANC Article XI "Grievance Process," copies of the Original Grievance were sent to the Department of Neighborhood Empowerment ("DONE") and the City Attorney.

On March 29, 2015 I received an email from DONE employee Jasmine Duckworth advising me that according to Los Angeles Administrative Code section 22.818, a Grievance against a Neighborhood Council must initially be filed with DONE on a specified form that is buried within the DONE website. In accessing the Neighborhood Council Grievance Portal via the link provided by Ms. Duckworth, I noted for the first time that a grievance allegedly "must be filed within 30 days from the date of the event giving rise to the Grievance."

I have conducted a thorough review of the DLANC website and it contains no notice or other mention by the DLANC of any additions or changes in its Grievance Process from what is publicly stated and published in its posted Bylaws which contain no mention of any required initial submission of a Grievance to DONE on a special form within a specific period of time. To the best of my knowledge, there currently is and never has been, any public notice by the DLANC that in order to bring a grievance against it, Stakeholders must comply with any process other than or in addition to what is stated in Article XI of the DLANC Bylaws.

It is my understanding that one of the purposes of the Neighborhood Councils is to act as a liaison between City government and the Stakeholders the Council serves. In this case, directions provided to its Stakeholders by the DLANC conflict with an adopted City law, but in preparing the Original Grievance, I had no reason to look beyond the Grievance process as stated in the published DLANC Bylaws for guidance.

Given these facts, I believe that it would be fundamentally unfair to hold that either this Grievance (which has been stated on DONE's form) or the Original Grievance (that followed the procedures set forth in DLANC Article XI) is time-barred, and would deprive the stakeholders and SPDTLA of due process. If the 30-day time limit stated in 22.818 applies at all, it should commence from the date of my first actual notice thereof on March 29, 2015.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 14, 2016

Name: Alex Hertzberg

Signature: 

## Department Review

Date witness form received: \_\_\_\_\_ Date witness form reviewed: \_\_\_\_\_

Witness form reviewed by: \_\_\_\_\_ Grievance number: \_\_\_\_\_