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CALIFORNIA



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AD HOC GRIEVANCE COMMITTEE REPORT TO PICO UNION NEIGHBORHOOD COUNCIL GENERAL BOARD ON MERITS OF IAN DAVIS' GRIEVANCE DATED JULY 4, 2009

I. Introduction

In August 2009 the PUNC board convened an ad hoc Grievance Committee to evaluate the merits of a July 2009 grievance Ian Davis submitted alleging the board discriminated against him. The Grievance Committee notified Ian Davis of the date scheduled for a public hearing to discuss the merits of his grievance. Although the Grievance Committee afforded Ian Davis ample opportunity to participate in these proceedings, he chose not to attend the public hearing and failed to provide alternate dates to meet with the Grievance Committee. Due to Ian Davis' lack of cooperation, the Grievance Committee assessed the merits of the grievance based on available public records and the allegations contained in the grievance. After lengthy discussion and review of prior agendas, general board minutes, and PUNC bylaws (past and current), the Grievance Committee determined that Ian Davis did not substantiate the allegations contained in the grievance. The Grievance Committee recommends the board adopt its finding that the July 2009 grievance Ian Davis submitted is meritless.

II. Procedural History

On July 5, 2009, Ben Davis sent an email to the Pico Union Neighborhood Council Board of Governors. Ben Davis attached a letter dated July 4, 2009, to the email. The letter indicated it was a grievance and resignation for his son, Ian H. Davis. Although the letter contained the signature block for Ian Davis, he did not sign the letter. (Exhibit A)

In accordance with PUNC bylaws, board vice president, Erick Martell, referred the grievance to an ad hoc grievance committee comprised of himself, Jessica Carrillo, Irene Lewis, and John Cameron Kelley.

On August 18, 2009, Grievance Committee Chair, Erick Martell, arranged for the Grievance Committee to conduct a hearing on Monday August 24, 2009. On August 18, 2009, the PUNC provided the agenda for this meeting to Ian Davis and posted the agenda at designated locations in the neighborhood council area. (Exhibit B)

On August 20, 2009, Ian Davis notified the PUNC administrative assistant that he was not available on August 24, 2009. That same day PUNC's administrative assistant sent Ian Davis an email requesting him to provide no later than 4 p.m. August 21, 2009, his dates of availability during the period August 24 through September 8, 2009. (Exhibit C) On August 21, 2009, at 2:03 p.m. Ian Davis replied to the administrative assistant's request. Rather than provide his dates of availability, Ian Davis demanded to know who was on the Grievance Committee. (Exhibit D) As of Monday, August 24, 2009, Ian Davis failed to provide any alternate dates of availability to the Grievance Committee.

On August 24, 2009, the Grievance Committee conducted a public hearing and discussed Ian Davis' failure to cooperate and provide alternative dates of availability. Due to his unwillingness to participate in the proceeding, the Grievance Committee decided to move forward and discuss the merits of the grievance without additional input from Ian Davis.

During the public hearing several youths affiliated with Gloria Farias provided public comments. Although not the appropriate forum, these youths expressed concern about the absence of a youth representative on the board. Many of these speakers asserted the validity of Ian Davis' grievance. However, none of these speakers provided any documentation or factual details to substantiate the claims in Ian Davis' grievance.

Although she had already spoken during public comments, Gloria Farias repeatedly interrupted the committee members' discussion of the merits of the grievance without first obtaining permission from the committee Chair to speak. She was warned that she would be asked to leave if her disrespectful and disruptive behavior continued. After indicating she would not leave, she was warned that the committee would have to terminate the public hearing if she refused to discontinue being disruptive. Thereafter, Gloria Farias directed the youth attending the meeting to leave and she departed the hearing with the group of youths.

III. Procedural Challenge

During public comments, a youth named Erick Pellianto submitted a document with Ian Davis' name on it. The youth stated that he was submitting the document to the Grievance Committee on behalf of Ian Davis. In the document Ian Davis asserts that the Grievance Committee has a "conflict of interest under the bylaws" because board members are serving on the committee. (Exhibit E)

The Grievance Committee finds no merit to this claim. Article XIII of the PUNC bylaws provides the grievance procedure. The only requirement is that Grievance Committee members be stakeholders. The bylaws do not expressly prohibit board members from serving on the Grievance Committee. Regardless of the composition of the Grievance Committee, Ian Davis' asserted conflict would result in disqualification of the entire board from voting on the recommendation of the Grievance Committee. This absurd result is neither supported by the plain language of the bylaws nor intended by the board when it revised the bylaws.

IV. Analysis of Grievance

In his grievance, Ian Davis alleges multiple reasons to support his claim that the PUNC general board "has been trying to get rid of me since October 2008." We assess the merit of these allegations below:

1. Ian Davis asserts that he brought up in several PUNC public board meetings that its actions appear to be discriminatory.

In his grievance Ian Davis does not specify which board meetings this occurred or what actions he felt were discriminatory and which board members committed the alleged discriminatory conduct. Board meeting minutes do not reflect that Ian Davis raised any issues regarding discriminatory board action against him. Ian Davis attended board meetings where these minutes were approved and he did not state that the minutes were inaccurate. As a result, we conclude this allegation is meritless.

2. Ian Davis asserts the Board appears to be intentionally violating the PUNC rules and procedures regarding notification of PUNC board meetings and distribution of minutes and agendas.

In his grievance Ian Davis does not specify which notification rules he believes the board violated or how the board violated such rules. Because he did not provide specific details, we determine Ian Davis failed to establish the validity of this allegation.

3. Ian Davis alleges the PUNC board took him off the email list in October 2008 and that he did not receive notification of board meetings or other events since.

Ian Davis does not specify what email list he is referring to. If it is the email list provided on the DONE website, then it is the Committee's understanding that Ian Davis' name was temporarily removed in October 2008 but added in November 2008 and was not removed until July 2009 after the Board accepted his resignation. The board has no jurisdiction over what DONE does or does not do with its website. After reviewing the PUNC bylaws, the committee found no requirement that Board members be notified of meetings by email. Prior to the board's adoption of revisions to its bylaws, meeting agendas were only required to be posted at designated locations in the neighborhood council area.

Even if we accepted as true Ian Davis' claim that he never received notice of board meetings since October 2008, we fail to see how this prejudiced him. The board properly posted meeting agendas at designated locations in the neighborhood council area. Thus, he had constructive notice of board meetings. Furthermore, Ian Davis attended all board meetings from November 2008 through March 2009 (Exhibit F, Nov08-Mar09 Minutes), including a board meeting conducted on a date different from the board's standard first Monday of the month. (Exhibit F, Dec08 Minutes) Thus, we find no merit to this allegation.

4. Ian Davis claims that "At every meeting I told them" about not receiving notice and every time I was told that my email address was wrong and that my notice had been "returned."

Ian Davis does not specify who he told and when. A review of board minutes reveals that Ian Davis raised this issue only once. (Exhibit F, Mar09 Minutes) Ian Davis also does not specify who told him his notices were being returned and when. He provides no basis for any requirement that he be notified of board meetings via email. Without more, we find no substantiation to this allegation.

5. The PUNC board of Governors has discriminated against me based on my age.

Ian Davis does not specify how the board discriminated against him due to age. Without verifiable facts, we find no merit to this claim. If his basis for discrimination is merely because the Youth Representative was not included in the revision of the PUNC bylaws, this is addressed below.

6. Ian Davis claims the board eliminated the Youth Representative position from the board without consulting him.

Ian Davis does not state what rule required that he be consulted before the Youth Representative was replaced with the At Large position. Ian Davis was present at the board meeting when the bylaws committee was created to update the PUNC bylaws. (Exhibit F, Nov08 Minutes) The bylaws committee announced when it would conduct meetings. (Exhibit F, Nov08 Minutes) The bylaws committee also posted its agendas before every meeting. (Exhibit G) Ian Davis attended board meetings where the bylaws committee provided monthly reports. (Exhibit F, Dec08 Minutes) Despite, this Ian Davis chose not to attend a single

bylaws committee meeting. Additionally, Ian Davis attended the board meeting in which the board approved the revised bylaws. (Exhibit F, Mar09 Minutes) Before approving the new bylaws the bylaws committee chair emphasized that one revision was the replacement of the Youth Representative with the mandatory At Large Representative which the board currently lacked. Ian Davis never expressed any opposition to this revision to the bylaws. In light of these facts, we find no merit to this allegation.

7. Ian Davis alleges the board has committed numerous violations of the Ralph M. Brown Act.

Ian Davis provided no specifics on what board or committee meetings were not properly noticed. All board meeting agendas from October 2008 to the present were posted in a timely manner. (Exhibit H) No grievances or requests for reconsideration have been filed with the board regarding notices for these meetings or the official actions taken during these meetings. Without specifics we find no merit to this unsubstantiated allegation.

8. The grievance fails to state a request for relief.

Ian Davis concludes his grievance with an unconditional resignation. On July 7, 2009, the board accepted Ian Davis' resignation at its regularly scheduled meeting. In his grievance Ian Davis does not request that board action be reversed or reconsidered. He does not ask that his resignation be rejected if the grievance is determined to have merit.

V. Conclusion

Due to the absence of specific details in Ian Davis' grievance as well as his failure to cooperate with the Grievance Committee in reaching an agreeable date to discuss his grievance, we are compelled to conclude that his grievance is meritless.