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DONE Report - Grievance Panels 04-1935-S1

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March 14, 2017

Honorable Members of the Los Angeles City Council

c/o City Clerk's Office

Room 395, City Hall

Los Angeles, CA 90012

Re: DONE Report CF 04-1935-S1, dated February 28, 2017

Honorable Members:

For reference, responses in this letter follow the DONE report format:

SUMMARY

The report indicates the division of responsibilities between the City Clerk and DONE, however, it raises more questions than it answers. For example, will Neighborhood Councils deal directly with the City Clerk or will NCs still go through DONE? Who will issue the Election Manual? How will election challenges be processed by the Regional Grievance Panels?

RECOMMENDATION

DONE and/or the City Clerk must take more care, as well as input from Neighborhood Councils, to prevent changes to the Election Manual or any other prevailing rules after the elections have commenced. If changes are made, the NC Elections already held, must abide by the Election Manual in force at the time of the election. Retroactive enforcement must not be allowed.

The City Clerk should be instructed to abide by the individual Neighborhood Council bylaws regarding board seats and elections, whether it is documentation required or self-affirmation.

The Neighborhood Councils must not be required to alter their board seat categories, number of ballots or requirements to vote merely for the convenience of DONE or the City Clerk.

The City Attorney, DONE, and/or the City Clerk should propose changes to Ordinance No. 183487 to address the Election Challenges in order to be included in the Regional Grievance Panel process. This should have been done in 2015 when the Ordinance was first proposed.

Nowhere in Ordinance No. 183487 or Council File 15-0067 do the words "Election Challenge" appear. The General Manager of DONE Grayce Liu, in her letter to the City Council on February 12, 2015, stated that "time is of the essence in the creation and implementation of these grievance panels as they will also be the basis of the 2016 Neighborhood Council election challenge process."

On February 17, 2015, at the Education and Neighborhoods Committee meeting, the minutes show "the representative from the City Attorney together with the General Manager of DONE appeared before the Committee to provide a brief overview of the proposed Ordinance and responded to related questions. After further discussion, and providing an opportunity for public comment, the Committee recommended that the Council adopt the Ordinance." The City Council adopted Ordinance No. 183487 on March 18, 2015.

Before Ordinance No. 183487 was adopted, the Office of the City Attorney and DONE should have been required to amend the language to include election challenges and the process under which the Regional Grievance Panel hearings would be conducted. The language in the Ordinance is intended to address Neighborhood Council grievances only; there is no mention of Election Challenges. The DONE recommendations do not specify the language to be used to revise or update the Ordinance.

DONE's bully pulpit culture contributed to egregious decisions and errors by using Ordinance No. 183487 for the 2016 Election Challenge hearings causing irrefutable damage to the election process and specifically to the Studio City Neighborhood Council and possibly other Neighborhood Councils.

BACKGROUND

It is troubling that General Manager Grayce Liu indicates that a limited budget was the reason for using volunteer poll workers. She further implies that the problems were attributable to their lack of training. This is an insult to Neighborhood Councils who have had few issues with volunteer poll workers used at every election since the inception of Neighborhood Councils.

DONE instructed the Studio City Neighborhood Council to provide a minimum of four volunteer poll workers on Election Day. Eight were provided, of which five attended the poll worker training on March 30, 2016. The three volunteers who did not attend the training did not participate in "...e.g. checking documentation, handling ballots, directing voters, etc." The problems at the polling place were not created by the volunteer poll workers. The City Clerk and DONE poll workers were not provided proper instructions, information and supplies pertaining to the Studio City Neighborhood Council bylaws. No monitor was provided by DONE, DONE staff did not intervene when electioneering was reported and the IEA was rendered ineffective by senior DONE staff Grayce Liu, Stephen Box and Jay Handal who ran this Polling Place.

Even if the Ordinance was applicable, DONE violated key provisions in the Ordinance. In the case of the Studio City Neighborhood Council election challenges, three were forwarded to the Regional Grievance Panel, **not one** as stated by the DONE report. In violation of the Brown Act and the Ordinance, public comment was not allowed at the April 18 2016, Regional Grievance Panel as required by Sec. 22818 (C) (10) "The Regional Grievance Panel will open the matter for public comment for 10 minutes unless in the sole discretion of the Regional Grievance Panel additional time for public comment is necessary to adjudication of the Grievance." DONE does not address these issues in the 2016 Election Manual, so after the Regional Grievance Panel met, DONE issued a Supplemental Guide for Election Challenges. In the supplemental guide, DONE also states "Q: Can the Regional Grievance Panel determination be appealed? A: No, the Regional Grievance Panel determination cannot be appealed."

The Studio City Neighborhood Council's initial Regional Grievance Panel hearing on April 18, 2016, no minutes or recordings were made while actions were taken. It was obvious that the Panel had no guidelines for the hearing. At this Regional Grievance Panel one challenge was denied; one challenge was sustained which disqualified two candidates, Eric Preven and Patrice Berlin, for electioneering inside the Polling Place; and one challenge was voluntarily withdrawn upon being told that the sustained challenge was un-appealable. Based on this information and the fact that the outcome would be the same, the challenger withdrew.

Contrary to those statements and the DONE Supplemental Guide an appeal was allowed. A second Regional Grievance Panel, consisting of the same three members, was convened on May 9, 2016. The withdrawn challenge was asked to be reinstated by the challenger and was refused inclusion because it was falsely listed as denied on the DONE website. In a split vote, the panel reversed the sustained decision and reinstated the two disqualified candidates, one of whom did not bother to attend. During the hearing, the challenger and the candidates were allowed equal time, however, DONE who took the position of defending their role during the controversial election, got equal time to support the candidates and denounce the challenge. Needless to say, this tipped the scales of justice being served.

ELECTION CHANGES

The City Clerk must work with the individual Neighborhood Councils regarding their bylaws and election requirements. One size does not fit all.

There needs to be a total review with Neighborhood Council input on Section XVI, Challenges of the Neighborhood Council Election Manual, regarding what is challengeable and non-challengeable. The justification for many items on the current lists is hard to understand.

CONCLUSION

Neighborhood Councils should be allowed more control in their self-governance. DONE and the City Clerk should support those efforts with less interference. The chaos and turmoil with elections has been caused by the constant changing of the rules including election years and election oversight. Neighborhood Councils are well past the "experimental" stage. It's time that DONE follows suit.

Respectfully,

Lisa Sarkin, Studio City

Judy Price, Valley Glen

Stu Miller, Studio City

cc: Andrew Westall, Areen Ibranossian, Matt Hale, Jackie Keene, Geoffrey Yazzetta, Jill Banks Barad, Glenn Bailey, Richard Williams, Holly Wolcott, Shannon Hoppes, Terrence Gomes, David Uebersax, Grayce Liu, Board of Neighborhood Commissioners, Studio City Residents Association

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