

ADMIN. SUPPORT SVCS.
D O N E

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Tarzana, CA 91356

TO: Grayce Liu
General Manager
EmpowerLA

From: Denyse Selesnick
Former Board Member and Election Chair
Tarzana Neighborhood Council

SECOND GRIEVANCE AGAINST TARZANA NEIGHBORHOOD COUNCIL

I am sure by now you are as tired as I am regarding the now famous \$529.23, which the Tarzana Neighborhood Council owed me. I am regretfully writing this letter after having attended the Tarzana Neighborhood Council meeting on Tuesday night, May 27, at 7 P.M. I witnessed behavior unbecoming a City Commissioner, but more importantly, many things occurred that night, which were in violation of the Brown Act, City funding policy, code of civility and ethics. A recording of the meeting should be available under the PRA.

It would seem trivial to make an issue about \$89.00- I would be happy to donate that amount to EmpowerLA. What is not trivial is allowing this kind of "bad behavior" to continue. As you know Council Members Parks and Nuñez have co-sponsored a resolution to include sexual harassment training, bullying etc. for Neighborhood Councils (NC). BONC just this week tried to establish some anti-bullying measures. After writing about this kind of behavior for City Watch, I never expected to be in the middle of my own article!

A motion was made to fully reimburse me but it was denied (5-6-1). It was voted to reimburse me for all except the 89.00 "over". I consistently pointed out that there was an additional 300.00 in misc. funds for the Election Chair to use, but the Chair and the Budget Chair both refused to acknowledge that the 300.00, which was approved in the February 17 minutes, existed.

So, why am I filing this Grievance if they have finally agreed to reimburse me almost all of the money? It is the complete lack of ethics, false information and behavior of several of the TNC Executive Board members, which I find completely against the rules and spirit of the Neighborhood Council. A Commissioner appointed by the Mayor should be the example of good behavior. When this Commissioner professes to be the "guru" of everything in the NC system and consistently flouts the rules and code of civility it should not be ignored.

What I witnessed were:

Agenda issues (agenda attached)

None of the motions listed on the agenda were available for the Public

Some items on the agenda do not meet the transparency required.

Consistently, the Chair was advised there were no speaker cards available. At the end of the meeting, he pulled 20 speaker cards out of his bag behind the board tables. There were only 7 stakeholders in attendance including myself, C4C Chair, Jay Handal; BONC Commissioner, Lydia Grant; and City Election Chair, Glenn Bailey. At no time did he attempt to put more speaker cards out for the public. Public Comment speakers used the backs of postcards left in the back of the room.

Harvey Goldberg, Treasurer has consistently told his Budget Committee and the Board untruths about the nature of my reimbursement. He has only acknowledged at the last meeting that I had Board approval (December 10) to produce a Town Hall/ candidate/recruitment flyer at the May 27th meeting. This is in spite of the many notices he has received. He did not acknowledge to his Committee or the Board that I was within my rights. Instead he read aloud a very inflammatory motion regarding the expenses. This motion was not made public before hand and no copies were given to the Public or the Board.

Fortunately Mr. Jay Handal reminded the Chair, Len Shaffer, who is also a BONC Commissioner that they could not vote on Mr. Goldberg's motion and had to keep to the motion in the agenda. In the April 22 meeting Mr. Goldberg had also told the TNC Board that he could have gotten a discount if the P card was used. In fact the NC 50% discount is listed directly on the bill in Mr. Goldberg's possession.

I did go over budget on two line items in election expenses, which added up to \$89.00 but I had come so far under in so many items that I made the decision for the good of the election to spend the extra money. Just to insure there were no problems, I was given a discretionary \$300.00 for unexpected expenses at the February 17 Special Board meeting. I only used \$89.00 of that amount. Mr. Shaffer and Mr. Goldberg refuse to acknowledge that motion even though it is in the minutes.

At the same meeting where they told the Board not to pay the \$89.00, Mr. Goldberg announced they had gone over the amount approved for a sign. That didn't bother either gentlemen or the rest of the Board and no one complained. This was the height of hypocrisy.

TNC President, Kathy Delle Donne had sent Mr. Goldberg a copy of the election expenses in March, because we wanted to make sure we were not going over budget. He received the package of expenses for the reimbursement April 2. Yet he and the Budget Committee also recommended at the April Board meeting, the \$6,000 budget for election expenses be decreased by the amount they owed for my reimbursement. They would use that money for other un-allocated expenses, such as Neighborhood Grants.

More agenda and Board malfeasance- May 27th

Agenda item 13- A Staff person at the TNC office mentioned to me that TNC had bought a new pop-up tent and was storing it at the office. When I saw the item 13 on the agenda I asked the Chair in Public Comment if that was in addition to the new one in the office. He could not give an explanation and when I asked when it was purchased and where was the resolution? He told me to ask for it under the PRA. This purchase was made BEFORE it was brought to the Board for a vote. This was a clear violation of the City Funding policy.

Agenda item 24 had no dollar amounts, nor any record of the location(s) being considered. Item 26 did not state the past motion to be reconsidered. In discussion, Harvey Goldberg cited the wrong agenda item to be reconsidered, and read the motion, which Chair Shaffer acknowledged was the wrong motion. There was no back up documentation showing the general public the item as required by law.

Agenda Item 27- The REIMBURSEMENT

There were no copies of my Grievance available to the public.

Mr. Handal spoke with the board and advised that since there was a motion for full reimbursement, that if a copy of the check used to pay for one overage item was not attached, they approve a motion allowing me to supply the check by Friday. (I sent a copy of the check directly to Grayce Liu since Mr. Goldberg has a propensity to ignore, not receive or misplace items.

Mr. Handal further advised that TNC in fact did receive the benefit of the printing for the elections, and that the cost in staff time could exceed \$1000.00 defending the \$89.00 in small claims court. Mr. Goldberg stated that he did not care as the city attorneys are on salary so it did not matter.

The end result is the Board was going to send paperwork to reimburse excluding the 89.00 submitted, and I indicated I was filing a claim for the 89.00 with the city, and if denied, a small claims suit to recover the funds.

When item 28 (The Grievance) was finally called, the Chair attempted to table the item, in violation of the by- laws. He was advised of the need to continue. By this time it was almost 11:00 p.m. and some Board Members had already left.

The By-laws state that the TNC Board can decide the merit of a "grievance." I wonder if a Board with that by-law ever voted in favor of a Grievance filed against them? A vote on the grievances was taken and they of course were denied.

It was very apparent that the Chair, the Budget chair and two of the other board members (who were all mentioned in the original Grievance), were clearly against anything I brought forward.

They told Mr. Handal what a pain I had been and in fact one of the gentlemen told him if it were up to him, he would have reimbursed me nothing. If you were to check the Board Minutes for the last two years, before this new Board had taken office, you will note that there were consistent negative votes against almost anything I proposed as either Second Vice-President, Outreach Chair or Election Chair. If I wanted to do something I had someone else suggest it. Perhaps there might be a little misogyny here? There are no women on the Executive Committee, and only four women out of the 21 Member Board.

The Chair, when hearing my Grievance, advised me, and his board, that a former board member couldn't file a grievance against the board for actions while I was on the board. This was before the Board vote. I have subsequently been advised that yes, I can. Providing legal advice to his board and stakeholders is not within the Chair's jurisdiction and could cause legal liability for the City.

Another disturbing item: the order of the agenda was made strictly to retaliate against me. The 3 items to be heard regarding the election monies were listed AFTER all committee reports. In reviewing all agendas from January to date, NO agenda items needing action were after committee reports. It appears as a deliberate attempt to prove just how unimportant I was. This is further proof of harassment/retaliation.

The chair consistently interrupted both board members and public speakers to interject his opinion on the issues being spoken about, or to offer his advice before anyone had finished speaking. Chairman Shaffer had originally suggested to the TNC Board last year that the Counsel for Councils (C4C) be invited to help TNC with its Board meetings. They became very contentious after Kathy Della Donne was elected President in 2012.

TNC was famous for all the great activities we organized and initiated and at the same time known for horrendous Board meetings. You may listen to the actual Board meetings where Mr. Shaffer and Mr. Goldberg were excessively rude to the Chair and commented negatively on everything she did. There are multiple witnesses who would be happy to confirm these things happened.

Mr. Shaffer was so rude to Mr. Handal in front of the Board... it was embarrassing. Mr. Handal came as a representative of EmpowerLA and wrote his report of the meeting. Ms. Liu can provide copies. Mr. Shaffer continued his outrage the next day by initiating a number of meetings at City Hall protesting against Mr. Handal's "interference". It did not help his case to hear that the alleged violations were in fact *real* violations.

In addition, he attempted to cover up the illegal purchase of the "Pop UP" to EmpowerLA staff. He stated that the only reason anyone knew about it ...was because a former board member, (me), looked in what was supposed to be a locked closet and found the item there, and that the former board member should not have been looking in the closet. Mr. Shaffer was not angry about the violation...just getting caught.

This was a clear attempt at a cover-up. A staff member told me on the telephone, with which we share an office, that TNC was storing a Pop Up. I haven't been to the Office since April

and I do not have keys to the closet. When I saw it was listed (13) for approval on the agenda, I asked if that was in addition to the one in the TNC office.

In order to be fair- Mr. Shaffer and his friends are furious about my articles in City Watch covering the NC system. I have been very critical of BONC and the feeling of many of the NC's is that BONC doesn't do much. This new Board appointed by the Mayor seems to be a little more active. I have also used some of the situations I have experienced as material for my articles. I have not mentioned names but enough people have been aware of this behavior. I still receive comments on an article I wrote last year about "Adult Bullying" taking place in many Neighborhood Councils.

Mr. Goldberg has systematically intimidated so many TNC Board members and has been so insulting in the last ten years that they left the Board rather than put up with his tactics. He has expanded his Treasurer and Budget duties through passing "new standing rules", not in the by-laws. Coincidentally, he is also on the Rules Committee along with the Mr. Shaffer.

Of course all expenditures are to be approved by the Budget Committee to make sure they are done correctly. In addition, Mr. Goldberg wants he and his committee to evaluate the projects submitted by the various other committees to see if they have value in the Budget Committee's opinion. Maybe that is the reason that prior to Ms. Delle Donne becoming President, there were very few active committees. Was it coincidence that the same six people were on practically all the committees?

This is a Budget Committee made up mainly of a CPA, Lawyer, Dentist and two retired gentlemen who are Mr. Goldberg's close friends. Until they were elected to the Board in March, these two gentlemen had never attended an event and practically no Board meetings in the last four years. This was not exactly a group trained in marketing and PR. As an example two members of the Budget Committee don't think that reaching out to our entire mailing list by postcard is effective. One even made a motion to outlaw postcards permanently. They think that Neighborhood Grants are a much better use of the NC budget. Perhaps, because it's a lot less work, than Outreach and organizing events.

This lack of respect, covering up a violation and deliberately withholding reimbursement for approved expenses-, as retaliation- is detrimental to the reputation of BONC Commissioner Shaffer, and consequently the City. We are volunteers and provide countless hours of service to the City. We should at least be treated with respect and our efforts appreciated. When people tell Mr. Shaffer he is wrong he keeps saying, "You don't know the back story". The back story is I have never gone over budget, I have always gotten Board approval and the real issue is that I was partly responsible for Mr. Shaffer and Mr. Goldberg losing the offices they held for almost ten years. Now that they are back in charge its get even time.

I am filing this as a formal grievance against the TNC Board for the specific actions as outlined above. I am additionally filing this as a complaint with the Mayor and the City Attorney.

Remedy requested:

- 1) Mr. Shaffer is removed as a BONC commissioner forthwith, or at the very least, he not be re-appointed when his appointment expires this month. He also is removed as President of TNC for the violations listed above. There were witnesses to this behavior as mentioned above.
- 2) The Treasurer of Tarzana Neighborhood Council, Harvey Goldberg, no longer be allowed to use the PCARD or be a signature on the proposed new checking accounts for violation of department funding policy and dishonorable tactics. He should be removed from the office of TNC Treasurer and Budget Chairman because of the arbitrary handling of monies approved by the Board and his hostile attitude to all who oppose him. This can be validated by the EmpowerLA financial department; the NEA who attended many TNC meetings; as well as other NC leaders outside TNC.
- 3) The TNC Board be given a mandated training in ethics, Brown Act, and funding policy plus what constitutes verbal abuse and adult bullying.
- 4) The full amount of my election expenditures be reimbursed to me forthwith.

Sincerely yours,

Denyse C. Selesnick

cc: Jeff Millman-Office of the Mayor
cc: Councilmember Blumenfield
cc: City Attorney Michael Feuer
cc: Darren Martinez- Office of the City Attorney
cc: Rick Cole- Deputy Mayor
cc: BONC Commissioners
cc: TNC Board of Directors
cc: Jay Handal, C4C