

## **SORO NC Board Applicant Statement**

17 October 2013

### **Jessica Kurzban**

*Candidate for Organization Representative 3 (partial term expiring 2014)*

I am a member of Bnei David Judea, a synagogue on Pico at Livonia.

I would like to be involved in the council's terrific ongoing work to improve and manage our neighborhood. As a working parent with 3 children, I recognize the importance of a neighborhood that is safe, healthy, and vibrant, and that also allows us to use our time and space efficiently and productively. While being a lawyer isn't an obvious asset to some (I know all the jokes!), I believe in my case it brings the qualities of a good listener, creative problem-solver, and active participant, which would be helpful as a member of the board.

## General Board Meeting Attendance

Quarter 3 2013

	July 17 Board	July 21 Retreat	August 15th Board	September 17 Board	Number of Total Absences
Kevin Gres	P		P	P	0
Kimber Smith	A		A	P	1
Beth Ryan	P		P	P	0
Robyn Braun	P		P	P	0
Bette Billet	P		P	P	0
Michael Lynn	P		P	P	0
Jon Liberman	P		P	P	0
Ellen Lanet	P		P	A	1
Paula Waxman	P		P	P	0
Michael Bloom	A		A	A	2
Bethie Kohanbash	A		A	A	2
Nahed Guirguis	A		A	P	1
David Mattis	P		P	P	0
Brian Kite	P		P	A	1
Barry Levine	P		P	P	0
Susan Burden	A		A	P	1
Marj Safirnia	A		A	P	1
Terrence Gomes	P		P	P	0
Martin Epstein	A		A	A	2
Hector Garza	A		A	A	2
Victor Mity	P		P	P	0
Org 3					
Doug Fitzsimmons	P		P	P	0
Grant Cohen	P		P	P	0
Sarah Sabin	P		P	A	1

**Legend: P is present, A is absent, L is leave of Absence.**

**The grayed out area is for the months prior to the board officially voting on attendance.**



# Motion to Support the Koretz/Bonin Motion calling for a Moratorium on Hydraulic Fracturing

**Agenda Item:** GB101713-8  
**Date:** October 9, 2013  
**Proposed By:** The Green Team Committee

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## Full Proposal

In August of 2012, the South Robertson Neighborhoods Council approved the Koretz/Wesson Motion calling for a statewide moratorium on hydraulic fracturing. The current Koretz/Bonin Motion is a citywide moratorium.

### **BILL SUMMARY (Full text of Koretz/Bonin Resolution attached.)**

Hydraulic fracturing (“fracking”) is an oil and natural gas extraction process that involves the very highly pressurized injection of hydraulic fracturing fluids containing a mixture of water, sand and unreported amounts of unknown chemicals into underground geologic formations in order to fracture the rock, thereby increasing flows of oil or gas from a well. Extraction processes called “acidizing” and “gravel packing” involve similar techniques. These practices threaten to contaminate drinking water supplies, cost taxpayers in Los Angeles hundreds of millions of dollars, release dangerous greenhouse gases into the atmosphere and potentially cause earthquakes.

### **Contaminated Drinking Water**

Chemicals used in fracking may leach into aquifers, contaminating drinking water. In communities throughout the US, there have been 1000+ documented cases of water contamination next to fracking sites, and cases of sensory, respiratory, and neurological damage due to ingesting contaminated water.

These processes are unregulated, utilizing large volumes of water which compete for and jeopardize regional, state, and local water supplies.

The DWP states that, because the well operators are not required to disclose the chemicals used in fracking, it does not know all the chemicals for which DWP should be testing in the City’s water supplies. It is critical to the future of LA that groundwater remain safe.

### **Financial Liability For Taxpayers**

Treatment of contaminated groundwater after the fact is costly and identification of responsible parties is not always possible, especially regarding unregulated fracking, acidizing, gravel packing, and related wastewater disposal. (It will cost the taxpayers between \$600 and \$800 million to restore contaminated groundwater in the San Fernando Valley.)

### **Undermining Work to Address the Climate Crisis**

Higher emissions can be generated by drilling, and fracking can result in the massive release of unregulated emissions of methane, a potent greenhouse gas often associated with underground oil. This seriously compromises the State’s efforts to address the climate crisis by reducing greenhouse gas to 1990 levels by 2020.

**Doug Fitzsimmons**  
President

**Brian Kite**  
Vice-President

**Terrence Gomes**  
Treasurer

**Beth Ryan**  
Secretary

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### **Earthquake Risk**

US Geological scientists have found that at some locations an increase in seismic events coincides with the injection of fracking fluids into wells and wastewater into deep disposal wells triggering earthquakes in Oklahoma, Arkansas and Ohio, among other states.

California and Los Angeles are located in one of the most active earthquake zones in the US.

### **Comprehensive Study Needed**

The Los Angeles Municipal Code, Section 13.01 allows the City to regulate through its land use process, various activities related to oil and gas drilling and production.

The City's regulations for these extraction processes need to be reviewed to determine if existing regulations are sufficient to assure public health, safety, environmental quality, and welfare. Approval of oil and gas extraction before the City can examine the impact of these processes can cause irreparable harm to public resources, health, safety, and welfare.

### **Proposed Motion**

MOTION, that the South Robertson Neighborhoods Council send a letter to the appropriate legislators supporting the LA City Council Koretz/Bonin Motion requesting that...

"...the City Attorney, and relevant departments, be requested to prepare and present an ordinance to change the zoning code to prohibit all activity associated with well stimulation, including, but not limited to, hydraulic fracturing, gravel packing, and acidizing, or any combination thereof, and the use of waste disposal injection wells in the City of Los Angeles, with such a prohibition to remain effective until:

- The City Council is assured that companies conducting fracking within the City of LA, or in areas providing drinking water to the City, can mitigate the effects on climate change, protect environmental quality and natural resources, promote community awareness, allow government access to and testing of chemicals used, anticipate and include related older and emerging extraction technologies such as hydraulic fracturing, acidizing, gravel packing and all wastewater disposal, and require full disclosure and testing of sites, with adequate time for public input;
- The City Council is assured of the long-term safety, security and reliability of current and future Los Angeles water supplies, the overall health and safety of the people of Los Angeles and the safety of their property from seismic or subsidence concerns related to the exploration and production of oil, natural gas, or other hydrocarbons, and the maintenance of environmental quality;
- State and federal legislation and regulations are put in place that include protections from the adverse effects of hydraulic fracturing, gravel packing, acidizing, wastewater disposal and related activities, consistent with the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.




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## Considerations

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**Committee review:** Votes For: 6 Against: 0  
*(highly recommended)*

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**Amount previously allocated in Committee's working budget:** \$  
*(applies to funding motions only)*

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### Arguments for:

Currently it is difficult to connect well contamination to fracking because oil companies are not required to disclose fracking chemicals

Wells can crack in earthquakes. No monitoring of leaks.

Most of DWP's natural gas comes from out-of-state.

We pay for the effect of climate and health degradation without proper attention to the consequences of the fracking process to the environment.

### Arguments against:

Although evidence of aquifer contamination exists, it is hard to prove contamination comes from fracking.

No earth instability directly linked to LA's Inglewood Oil Field.

A moratorium could result in the lay-off of oil company employees and impact oil company revenues.

Fracking releases natural gas which is clean burning and critical to reversal of climate change.



**Doug Fitzsimmons**  
President

**Brian Kite**  
Vice-President

**Terrence Gomes**  
Treasurer

**Beth Ryan**  
Secretary

To Whom it May Concern:

The South Robertson Neighborhoods Council is writing to support passage of the Korezt/Bonin Fracking Motion calling for a moratorium on the practice of extracting oil and natural gas through the processes of hydraulic fracturing (“fracking”), acidizing and gravel packing.

Hydraulic fracturing (“fracking”) is an oil and natural gas extraction process that involves the very highly pressurized injection of hydraulic fracturing fluids containing a mixture of water, sand and unreported amounts of unknown chemicals into underground geologic formations in order to fracture the rock, thereby increasing flows of oil or gas from a well. Extraction processes called “acidizing” and “gravel packing” involve similar techniques.

These practices threaten to contaminate drinking water supplies, cost taxpayers in Los Angeles hundreds of millions of dollars, release dangerous greenhouse gases into the atmosphere and can potentially cause earthquakes.

We agree that the City Attorney, with the assistance of the Planning and other relevant departments prepare an ordinance to prohibit all activity associated with these processes until the City Council is assured that they are safe and in compliance with all requirements stipulated in the Resolution.

Given the potential impact on the environment, water resources, and health of our citizens, we greatly appreciate your support of this resolution.

Yours truly,

Doug Fitzsimmons

President, South Robertson Neighborhoods Council

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**MOTION**

Hydraulic fracturing (also known as “fracking”) is an oil and natural gas extraction process that involves the very highly-pressurized injection of hydraulic fracturing fluids containing a mixture of water, sand and unreported amounts of unknown chemicals into underground geologic formations in order to fracture the rock, thereby increasing flows to and furthering the production of oil or gas from a well. Other unconventional highly-pressurized extraction processes called “acidizing” and “gravel packing” involve similar techniques.

In total, fracking, acidizing, gravel packing and other associated well-stimulation practices threaten to contaminate drinking water supplies, cost taxpayers in Los Angeles hundreds of millions of dollars, release potent and dangerous greenhouse gases into the atmosphere and cause earthquakes.

**CONTAMINATED DRINKING WATER**

After being injected into the ground, the chemicals used in the fracking process may leach into groundwater supplies, contaminating drinking water for local residents. In fact, there have been more than 1,000 documented cases of water contamination next to fracking sites, as well as cases of sensory, respiratory, and neurological damage due to ingested contaminated water in communities throughout the United States.

Fracking, acidizing and gravel packing of oil and gas wells are unregulated and are spurring oil and gas extraction and exploration in California and other states, including within the City of Los Angeles. Additionally, fracking is used in the Colorado River and State Water Project watersheds, as well as near local Southern California groundwater aquifers, utilizing large volumes of water, which competes for and jeopardizes regional, state, and water supplies needed by the people of Los Angeles.

The Department of Water & Power (DWP) has stated that, because the well operators are not required to disclose the chemicals used in fracking, other operations and injections, it therefore does not know all the chemicals for which DWP should be testing the City’s water supplies.

Groundwater banking and storage is a critical alternative to building new surface reservoirs and plays an essential role in moving the City of Los Angeles toward greater self-reliance on local water resources. It is critical to the future of Los Angeles that groundwater supplies remain safe.

**A FINANCIAL LIABILITY FOR TAXPAYERS**

Protecting the City’s water supply resources from contamination is a financial necessity for Los Angeles, as treatment of contaminated groundwater resources after the fact is costly and identification of potential responsible parties to determine financial liability is not always possible, particularly in regards to unregulated activities such as fracking, acidizing, gravel packing and

related wastewater disposal. The DWP has announced plans to build the world's largest groundwater treatment center over one of the largest Superfund pollution sites in the United States: the San Fernando Basin. Two plants, costing a combined \$600 million to \$800 million, will restore groundwater pumping of drinking water from scores of San Fernando Valley wells that the DWP began closing in the 1980s and ensure that other wells remain productive while curtailing the pollution plumes steadily migrating in their direction. Additional measures to address and treat water supplies potentially contaminated by fracking chemicals pose a tremendous financial liability for taxpayers in Los Angeles.

Allowing activities like hydraulic fracturing, acidizing and gravel packing, which threaten to contaminate the City's imported and local groundwater supplies, is inherently dangerous to the long-term safety, health, security and reliability of Los Angeles' water supplies.

### **UNDERMINING WORK TO ADDRESS THE CLIMATE CRISIS**

Higher emissions generated by producing, refining and burning unconventional-produced oil and gas, and drilling and fracking for tight oil and gas can result in massive release of unregulated emissions of methane, a potent greenhouse gas often associated underground with oil.

The California Public Resources Code states that "methane gas hazards...are a clear and present threat to public health and safety" and that "due to the cost and complexity of methane hazard mitigations, property owners and local governments are often unable to mitigate these hazards." These provisions are of grave import to Los Angeles County and City, as Exploration and Production activities has caused and is causing massive releases of methane and hydrogen sulfide gases into communities and the atmosphere.

Fracking in California can also thereby seriously undermine the State's efforts to address the climate crisis by reducing greenhouse gas emissions to 1990 levels by 2020. Unregulated and unchecked fracking must not be allowed to offset the air quality benefits of natural gas used in certain applications.

### **INCREASED EARTHQUAKE RISKS**

Further, all high-pressure fracking and injection creates "seismic events," but not all are felt as earthquakes. The United States Geological Study (USGS) reports that the number of noticeable earthquakes (greater than a 3.0 Richter magnitude) has increased dramatically over the past few years within the central and eastern United States. More than 300 earthquakes above a Richter magnitude 3.0 occurred in the three years from 2010-2012, compared with an average rate of 21 events per year observed from 1967-2000. USGS scientists have also found that at some locations the increase in seismicity coincides with the injection of wastewater into deep disposal wells.



The USGS has determined that fracking wastewater disposal is responsible for triggering earthquakes in Oklahoma, Arkansas and Ohio, among other states. A magnitude 2.1 earthquake matching the description of micro earthquakes caused by fracking wastewater disposal occurred in the Baldwin Hills on August 27, 2013, at a magnitude and depth compatible to stated USGS concerns about earthquakes induced by fracking.

Much of the State of California and the City, in particular, is located on top of fault lines within one of the most active and potentially dangerous earthquake zones in the United States.

### **COMPREHENSIVE STUDY NEEDED**

The Los Angeles Municipal Code, Section 13.01, allows the City to regulate through its land use process various activities related to oil and gas drilling and production.

The City's land use regulations for oil and gas exploration, extraction, and related operations and activities are in need of comprehensive review to determine whether the existing zoning and land use regulations of oil and gas exploration, extraction, and related operations and activities are sufficient to assure public health, safety, environmental quality, and welfare; or whether additional regulations are necessary to address the impacts of oil and gas exploration, extraction, and related operations and activities, including, but not limited to: hydraulic fracturing, acidizing, gravel packing, and related wastewater disposal.

If land use applications, permit applications, or any other applications requesting approval to conduct oil and gas exploration, extraction, production and related operations and activities within the City limits are granted prior to the City examining the impact of such activities and taking all steps necessary to protect public health, safety, and welfare, irreparable harm may be done to the public health, safety, and welfare.

**WE THEREFORE MOVE** that the City Attorney, with the assistance of the Planning and other relevant departments, be requested to prepare and present an ordinance to change the zoning code to prohibit all activity associated with well stimulation, including, but not limited to, hydraulic fracturing, gravel packing, and acidizing, or any combination thereof, and the use of waste disposal injection wells in the City of Los Angeles, with such a prohibition to remain effective until:

- the City Council is assured that companies conducting fracking within the City of Los Angeles, or in areas providing drinking water to the City, can mitigate the effects on climate change, protect environmental quality and natural resources, promote community awareness, allow government access to and testing of chemicals used, anticipate and include related older and emerging extraction technologies such as hydraulic fracturing, acidizing, gravel packing and all wastewater disposal, and require full disclosure and testing of sites, with adequate time for public input;

- the City Council is assured of the long-term safety, security and reliability of current and future Los Angeles water supplies, the overall health and safety of the people of Los Angeles and the safety of their property from seismic or subsidence concerns related to the exploration and production of oil, natural gas, or other hydrocarbons, and the maintenance of environmental quality;
- state and federal legislation and regulations are put in place that include protections from the adverse effects of hydraulic fracturing, gravel packing, acidizing, wastewater disposal and related activities, consistent with the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act.

PRESENTED BY Paul Koretz  
PAUL KORETZ  
Councilmember, 5<sup>th</sup> District

Mike Bonin  
MIKE BONIN  
Councilmember, 11<sup>th</sup> District

SECONDED BY Jose Hu

Bl Blum  
Demond C. Park



# Motion to create the Board Development as a standing committee

**Agenda Item:** GB101713-9  
**Date:** October 17, 2013  
**Proposed By:** Beth Ryan

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## Full Proposal

Currently the Board Development committee is set up as an ad hoc committee. According to the by-laws, the duties of the Board Development committee are: responsibility for Board recruitment efforts, training and the coordination of Board elections/selections.

Additionally, the duties of the Board Development committee are on-going and address topics of continuing interest of the Board – which is the actual definition of a standing committee according to our by-laws.

Standing committees define goals and create action plans for meeting those goals – this will be very important while we prepare for our election taking place on May 18<sup>th</sup>, 2014. A standing committee is also more transparent and allows for more board members to be involved as well as members of the community – where an ad hoc committee limits the amount of board members and does not allow for community member involvement.

## Proposed Motion

Motion to classify the Board Development committee as a standing committee and not as an ad hoc committee.

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## Considerations

**Executive Committee:** Votes For: 0 Against: 0

**Amount previously allocated in Committee's working budget:** \$0  
*(applies to funding motions only)*

### Arguments for:

Having the Board Development committee be a standing committee will be more inclusive allowing any board members interested in training or elections to be involved.

A standing committee allows members of the community to be involved.

No change to the budget to make this change.

### Arguments against:

Board Development committee will not be required to meet on a monthly basis which might confuse community members if they think all committees act the same.

A future secretary might not want to have members of the public involved in discussing board trainings, retreats or elections.

**Doug Fitzsimmons**  
President

**Brian Kite**  
Vice-President

**Terrence Gomes**  
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Secretary

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# Motion to amend the SORO NC bylaws to clarify the grievance process

**Agenda Item:** GB101713-10

**Date:** 17 October 2014

**Proposed By:** Bylaws Committee

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## Full Proposal

The last time SORO NC had an official grievance was 2008. While we were able to reach a resolution, the process was not as smooth as we would have liked. However, even with major structural changes to the Bylaws in 2011, we have not addressed those problems.

- Somehow we managed to group the language in such a way as to require that *everything* be done within 30 days, which isn't feasible. Proposed changes to the numbering fix that.
- We also currently don't have a way to avoid having to go through the process for invalid grievances (invalid in the sense of not being an actual grievance...for example, the Department of Neighborhood Empowerment [aka DONE] does not allow grievances that are directed at an individual). The new language allows us to follow City Attorney advice and ensures DONE is in the loop.
- In the current process, the clock started the minute we received the grievance, even if it took most of that time for City Attorney to confirm that it was a valid grievance. The new language allows us to wait until we hear from the City Attorney.
- The 30 day time period to select a Grievance Panel can be a problem: if we get a grievance on the 15<sup>th</sup>, our next Board meeting might not be until the 20<sup>th</sup> of the following month. The new 45 day period allows for some flexibility to create the panel and schedule their meeting.
- It should be clear that the Grievance Panels be run in accordance with the full Brown Act (public comment period, held in our boundaries, etc.)
- The current language wasn't clear how we actually take action. The proposed language clarifies that we would refer the Panel's proposed action to committees, who would prepare written motions.
- The changes also set a time limit for bringing forth grievances.

Note that changes to our bylaws require a 2/3 vote of Board members present.

## Proposed Motion

- I. To amend SORO NC's Grievance Process within its Bylaws as outlined in the attached "Proposed Bylaws Changes."

**Doug Fitzsimmons**  
President

**Brian Kite**  
Vice-President

**Terrence Gomes**  
Treasurer

**Beth Ryan**  
Secretary

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## Considerations

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**Committee review:**  
*(highly recommended)*

Votes For: 5

Against: 0

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**Amount previously allocated in Committee's working budget:** \$  
*(applies to funding motions only)*

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**Arguments for:**

Corrects structural and temporal problems with the current process.

Clarifies that the NC should follow City legal advice, making it less likely that we trigger lawsuits.

A 6 month "statute of limitations" ensures that there is a reasonable ability for people to remember what happened.

Referring Panel recommendations to committees allows us to make sure there are no conflicts with existing rules/bylaws (remember that the Panel may not be familiar with the Brown Act, the NC charter or SORO rules).

**Arguments against:**

Lengthening the timeframes means the NC may be perceived as being less responsive.

Setting DONE and the City Attorney as initial filters on grievances may mean that credible issues are not addressed.

There is no need to limit the timeframe.

While the NC isn't under an obligation to accept the Panel's recommendations and there is existing language about committees, we should act quickly to resolve issues. Sending things to committee adds a month delay.



# Current Bylaws

## Article XI: Grievance Process

The formal grievance process is not intended to apply to Stakeholders who simply disagree with an official action taken by the Board. Those grievances can be aired at Council meetings. This grievance process is intended to address matters involving procedural disputes, such as the Board's failure to comply with its rules or these bylaws.

Any grievance by a Stakeholder must be submitted in writing to the Board Secretary. Within thirty days (30) of receiving the grievance:

1. The Secretary will refer the matter to an Ad Hoc Grievance Panel comprised of five (5) non-Board member Stakeholders who, at a Board meeting, are randomly selected by the Secretary from a list of Stakeholders who have expressed an interest in serving in this capacity.
2. The Secretary will coordinate a time and place for the panel to meet with the Board Parliamentarian and the Stakeholder(s) who submitted the grievance to discuss ways in which the dispute may be resolved. The Grievance Panel meeting will be open to the public and noticed like any other regular Council meeting.
  - a. Within thirty (30) days of the panel meeting with the Stakeholder(s) who submitted the grievance, the panel members will prepare a written report outlining the panel's collective recommendations for resolving the grievance, and will submit the report to the Secretary.
  - b. The Secretary will ensure that the report be listed on the agenda of the next regular Council meeting for discussion and, depending on the nature of the grievance, referral to appropriate Board Committee(s). The report must be distributed to the Board members seventy-two (72) hours prior to the scheduled meeting. All Board discussion prior to the meeting will be conducted in accordance with the Brown Act.
3. The Committees will report back to the Board with recommendations for Board consideration.
4. In the event that a grievance cannot be resolved through this grievance process, then the matter may be referred to the Department for consideration or dispute resolution in accordance with the Plan.
5. Board members are not permitted to file a grievance against another Board member or against the Council.



# Proposed Bylaws Changes

New language in red. Note additional changes to numbering that affect the overall timeline.

## Article XI: Grievance Process

The formal grievance process is not intended to apply to Stakeholders who simply disagree with an official action taken by the Board. Those grievances can be aired at Council meetings. This grievance process is intended to address matters involving procedural disputes, such as the Board's failure to comply with its rules or these bylaws.

1. Any grievance by a Stakeholder must be submitted in writing to the Board Secretary.
  - a. Upon receipt, the Secretary will immediately notify the Department of Neighborhood Empowerment (the Department) and the City Attorney of the filed grievance.
  - b. The Secretary will follow the advice of the City Attorney as to whether the grievance conforms to the Department's definition of an actionable grievance.
  - c. The Secretary will continue to keep the Department apprised throughout the grievance process.
2. Within forty-five (45) days of receiving confirmation that is it a conforming grievance:
  - a. The Secretary will refer the matter to an Ad Hoc Grievance Panel comprised of five (5) non-Board member Stakeholders who, at a Board meeting, are randomly selected by the Secretary from a list of Stakeholders who have expressed an interest in serving in this capacity.
  - b. The Secretary will coordinate a time and place for the panel to meet with the Board Parliamentarian and the Stakeholder(s) who submitted the grievance to discuss ways in which the dispute may be resolved. The Grievance Panel meeting will be held in accordance with the Brown Act, be open to the public, and noticed like any other regular Council meeting.
3. Within thirty (30) days of the Panel meeting with the Stakeholder(s) who submitted the grievance, the Panel members will prepare a written report outlining the Panel's collective recommendations for resolving the grievance, and will submit the report to the Secretary.
4. The Secretary will ensure that the report be listed on the agenda of the next regular General Board meeting for discussion. The report must be distributed to Board members seventy-two (72) hours prior to the scheduled meeting. All Board discussion prior to the meeting will be conducted in accordance with the Brown Act.
5. Any recommended Board action may be referred to appropriate Board Committee(s) for additional discussion and preparation of formal motion(s). Any resulting motions are to be presented for consideration at the next regular General Board meeting.
6. In the event that a grievance cannot be resolved through this grievance process, then the matter may be referred to the Department for consideration or dispute resolution in accordance with the Plan.
7. Board members are not permitted to file a grievance against another Board member or against the Council.
8. Grievances must be filed within six (6) months of the latest alleged occurrence of the triggering event.