

**GRIEVANCE AGAINST KING NEIGHBORHOOD ASSOCIATION (KNA)
APPOINTMENTS AND OPEN MEETING VIOLATIONS – FINANCE and BYLAWS COMMITTEES
Brought by Margaret O’Hartigan**

December 9, 2015

This grievance is made in compliance with King Neighborhood Association Bylaws ARTICLE X Sections A and B, and Office of Neighborhood Involvement Standards SECTION VII, Subsection C sub-subsections 1 and 3.

This grievance is in response to the KNA violation of KNA Bylaws’ first ARTICLE VIII Section C sub-section 1 pertaining to appointment to committees and the second ARTICLE VIII Sections A and B governing the establishment of committees and the limitation of powers of said committees. This grievance also depends upon ONI Standards SECTION VIII Subsection A mandating that neighborhood associations “Conduct their affairs in meetings open to and with adequate notice to the public” as well as Subsections C and D.

Background

After being elected to the At-Large Representative 2 position on the King Neighborhood Association, I reviewed the KNA Bylaws and discovered errors so serious in nature as to call into question the competency or care of the board members who voted for them July 9, 2014. I brought these errors to board members’ attention via conversations and e-mails, and even went to the effort of drafting proposed changes to rectify the problems.

According to KNA meeting minutes, at the KNA Board meeting of September 9, 2015, Leigh Rappaport moved that a bylaws “subcommittee” be formed “to alter and improve KNA Bylaws” – however, no appointments were made at the time – and I have been notified of neither public, open board meetings at which appointments were made, nor bylaws committee meetings. The reason I believe there have, nevertheless, been bylaws meetings, is because ample record exists that a KNA financial committee has been operating without appointments by the Board and in violation of requirements to hold open meetings to which the public may attend.

By e-mail of November 5, 2015 to the other Board members, Board member Diego Gioseffi wrote: “I think is time for the Financial Committee to meet. What about 15 minutes before the next meeting?” (The meeting in question was the November 11 Board meeting). Again, I had never been notified of any Board meeting at which appointments to a financial committee were to be made, and so was unable to participate in such appointments. Furthermore, no notice to the public concerning the Financial Committee meeting was posted at the KNA website, either as a separate notice or as part of the notice posted concerning the November 11 Board meeting. Among the items Gioseffi itemized for consideration at the Nov. 11 Financial Committee meeting were: “Communications: We need to decide how to spend the \$500 that NECN assign to KNA: Website, flyers, newsletters, etc. We also have to figure some money of small things like printing, photocopies, snacks, etc.” In addition, he wrote: We need to discuss the KNA budget” and “All event/project I can think of are the Spring Clean up, the Easter

Egg Hunt, Green King, Backpack Lunch and Movies in the Park. Most of them we know the approximate money that we spent in last years and how much we fundraised, so we can guesstimate.”

Analysis

KNA Bylaws authorize the Board to make appointments to committees according to the second ARTICLE VIII governing Establishment of Committees. According to Section A: “The Board of Directors may establish committees as it deems necessary and desirable” – but Section B reserves to the Board the power to appoint individuals to such committees: “No committee may...fill vacancies on the Board or on any of its committees”. Consequently, either Board members met jointly outside of open meeting to appoint individuals to these committees, OR individuals took it upon themselves to appoint themselves and/or others to the committee. Either way, KNA Bylaws were violated. And consequently, both the “appointments” and the Nov. 11 Financial Committee meeting itself violated ONI Standards governing Open Meetings and Public Records, which specifically state in SECTION VIII Subsection C that “Members of a...board, or committee, as established by the governing bylaws, shall make all decisions and conduct all deliberations toward a decision at a meeting open to the public at which a quorum is in attendance.” This requirement is reiterated in ONI Standards Section VIII Subsection D sub-subsection 3, specifically, that “Voting to render a decision, including a decision on matters considered in executive session, must be done in a meeting open to public attendance.” Therefore, the Nov. 11 meeting of the KNA Financial Committee was held in violation of KNA Bylaws governing committees, and any deliberations and/or decisions made then were in violation of ONI’s open meeting requirements, while the failure to provide the public adequate notice concerning the meeting violated ONI Standards Section VIII Subsection A sub-subsection 1 requiring that neighborhood associations “shall: 1) Conduct their affairs in meetings open to and with adequate notice to the public”.

Harm

The harm done to me personally by the KNA’s violations of open meeting requirements with regards to its finance and bylaws committees are these: 1) as a duly elected member of the Board of Directors I was denied my right as such to participate in the appointment of committee members in open meeting; 2) as the board member who has spoken with and written to board members regarding the problems of the current bylaws, I was extremely desirous to participate as a committee member, but was denied that opportunity; 3) as a member of the neighborhood association I was denied the right to attend and observe committee meetings which should have been – but weren’t – open to attendance by the public. In addition, the members of the public were denied the opportunity to attend the deliberations and decisions of both the KNA Board’s appointment of committee members as well as the deliberations and decisions subsequently conducted by the finance and bylaws committees.

Margaret O’Hartigan

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