



NORTHEAST COALITION  
OF NEIGHBORHOODS

March 22, 2016

Margaret O'Hartigan  
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Ms. O'Hartigan:

On February 11, 2016, NECN received your appeal regarding your December 9, 2015 grievance against King Neighborhood Association ("KNA").

You were present at the March 3, 2016 NECN subcommittee meeting that developed a recommendation regarding this appeal for the Executive Committee, to assist the Executive Committee in its review and hearing of your appeal. When it subsequently reviewed and heard your appeal, the Executive Committee rejected the subcommittee's recommendation as to the second point of your appeal and instead made the decision set forth below. You were present at the beginning of the March 3, 2016 subcommittee meeting and made a statement. You indicated that you did not intend to answer any questions about the appeal and chose to leave the meeting shortly thereafter.

NECN's Executive Committee reviewed and heard your appeal at its March 7, 2016 public meeting. You were present at the March 7, 2016 meeting and had an opportunity to present your appeal and to answer any questions from the Executive Committee.

NECN decides your February 11, 2016 appeal as follows:

- 1. In your December 9, 2015 grievance, you alleged that KNA created a Bylaws Subcommittee without appointing members to it in a public Board meeting.**

Decision:

(a) Timeliness:

You allege that KNA created a Bylaws Subcommittee on September 9, 2015 without appointing members to it, but you did not grieve the failure to appoint committee members until December 9, 2015, which is more than 45 days after the alleged violation. KNA Bylaws Art. X, § B requires you to submit a grievance within 45 days of the alleged violation. You have no evidence that any members were appointed to this subcommittee at any time

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after September 9, 2015. *This portion of your December 9 grievance is untimely under KNA Bylaws, Art. X, § B.*

**2. In your December 9, 2015 grievance, you alleged that KNA did not appoint the members of the Grievance Committee in a Board meeting.**

Decision:

(a) Timeliness:

*NECN deems this portion of your December 9 grievance timely.*

(b) Alleged Violation of KNA Bylaws or ONI Standards: You contend that KNA violated KNA Bylaws, Art. VIII, § B and Art. VIII, § C(1) and ONI Standards § VIII(A), § VIII(C), and § VIII (D).

(c) Personal Harm: Because the alleged lack of public notice denied you the right to observe the appointment of members of the Grievance Committee, you allege personal harm.

(d) Merits:

KNA Bylaws, Art. VIII, § B provides that no committee may fill vacancies on the committee. KNA Bylaws, Art. VIII, § C(1) provides that the Board may fill any vacancy on the Board or a committee by a majority vote of the Board. *NECN concludes that if the KNA Board did not appoint the Grievance Committee members, KNA violated these provisions.*

ONI Standards § VIII(A), § VIII(C), and § VIII (D) concern open meetings. Under these provisions, the KNA Board's meetings must be public, although its committee meetings need not be, as discussed below. *NECN concludes that if the Board appointed the Grievance Committee members, KNA violated these provisions.*

**3. In your December 9, 2015 grievance, you alleged that the KNA Bylaws Subcommittee, Finance Committee, and Grievance Committee did not post notice of their meetings.**

Decision:

(a) Timeliness:

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You allege that the KNA Bylaws Subcommittee, Finance Committee, and Grievance Committee did not post notice of their meetings. *Because you allege that at least the Finance Committee met within 45 days before you filed this grievance, this portion of your December 9 grievance is timely.*

(b) Alleged Violation of KNA Bylaws or ONI Standards: You contend that KNA violated ONI Standards § VIII(A), § VIII(B), and § VIII(C).

(c) Personal Harm: Because the alleged lack of public notice denied you the right to attend committee meetings, you allege personal harm.

(d) Merits:

ONI Standards § VIII(A), § VIII(B), and § VIII(C) concern open meetings. However, ONI Standards § VII(B)(5) provides that “[s]ubcommittees without executive authority are not subject to these quorum requirements or to these open meeting standards.” All KNA committees are without executive authority: under KNA Bylaws Art. VIII, § A, “committees are advisory committees and must send recommendations to the Board for action and approval.” Therefore, KNA committees, including the alleged Bylaws Subcommittee, Financial Committee, and Grievance Committee are not subject to ONI Standards § VIII(A), § VIII(B), or § VIII(C). *NECN concludes that the alleged conduct described in your December 9 grievance did not violate those provisions.*

**4. You alleged that KNA failed to hold a public meeting on your December 9, 2015 grievance.**

Decision:

(a) Timeliness: This issue was not grieved to KNA, but NECN will nevertheless address it. You filed your appeal 4 days after the expiration of the 60-day period from the filing of your December 9 grievance, and NECN will deem it timely.

(b) Alleged Violation of KNA Bylaws or ONI Standards: You contend that KNA violated KNA Bylaws Art. X, § C.

(c) Personal Harm: You sufficiently allege personal harm, because you allege a violation of an asserted right to present comment and be heard regarding your December 9 grievance.

(d) Merits:

KNA Bylaws Art. X, § C requires that eligible grievances be reviewed by a Grievance Committee and the committee shall hold a public hearing. *NECN is*

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*unable to determine whether KNA deemed the December 9 grievance eligible and therefore concludes that you have not shown that KNA violated KNA Bylaws Art. X, § C with respect to that grievance.*

**5. You alleged that KNA failed to notify you of a decision on your December 9, 2015 grievance within 60 days of the grievance.**

Decision:

(a) Timeliness: This issue was not grieved to KNA, but NECN will nevertheless address it. You filed your appeal 4 days after the expiration of the 60-day period from the filing of your December 9 grievance, and NECN will deem it timely.

(b) Alleged Violation of KNA Bylaws or ONI Standards: You contend that KNA violated KNA Bylaws Art. X, § D and ONI Standards § VII(C)(3)(c).

(c) Personal Harm: You sufficiently allege personal harm, because you allege a violation of an asserted right to receive a timely decision from KNA regarding your grievance.

(d) Merits:

KNA Bylaws Art. X, § D requires KNA to render a final decision on a grievance and notify the grievant within 60 days. For grievances that KNA deems not “eligible” (presumably because they do not meet the requirements of KNA Bylaws Art. X, § B), KNA bylaws do not require KNA to appoint a Grievance Committee and hold a public hearing. *See* Art. X, § C. The bylaws are not perfectly clear, but it appears that Art. X, § D requires a decision from KNA on every grievance received, without regard to whether the grievance is “eligible” or not. *NECN concludes that KNA violated KNA Bylaws Art. X, § D by not notifying you of a decision on your December 9 grievance within 60 days.*

ONI Standards § VII(C)(3)(c) provides that a grievance be responded to within 60 days. A grievance may be decided by the neighborhood association on the ground that it does not meet one or more of the requirements of a grievance, but it appears that such a decision must be expressed in writing to the grievant within 60 days. *NECN concludes that KNA has violated ONI Standards § VII(C)(3)(c) by not notifying you of a decision on your December 9 grievance within 60 days.*

**RECOMMENDATIONS:**

NECN directs KNA's attention to Article VII, § B of its Bylaws, which provides that "[n]o committee . . . may . . . fill vacancies on . . . any of its committees." Unless KNA has a record of its Board having appointed all current committee members, NECN recommends that the KNA Board appoint (or confirm its prior appointment of) all the current members of its committees as soon as possible and that the KNA Board appoint any future committee members.

NECN also believes that it is good practice for even advisory committees to give notice of their meetings and recommends that KNA consider adopting a practice of giving seven days public notice of their upcoming committee meetings and allowing members of the public to attend those meetings.

This letter constitutes NECN's decision of your February 11, 2016 appeal.

Regards,



Alan Silver  
NECN Executive Committee Chair

cc: Nick LaRue, KNA Chair (via email)

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