



**NORTHEAST COALITION
OF NEIGHBORHOODS**

January 7, 2016

Ms. O'Hartigan:

On November 2, 2015, NECN received an appeal of the King Neighborhood Association's ("KNA") decision regarding your September 15, 2015 Grievance against KNA. The body of the items you were raising issues about are noted below. NECN's Executive Committee reviewed and heard your appeal at its December 7, 2015 and December 15, 2015 public meetings. You were present at the December 7, 2015 meeting and the December 15, 2015 meetings. The Executive Committee took time at its December 29, 2015 meeting to finalize the determinations of your grievances.

You had an opportunity to present your appeal, to make further statements during the Executive Committee's deliberations, and to answer questions from the Executive Committee.

We have worked to enumerate your grievances and have laid them out in a fashion that is as easy to follow as possible. They were not enumerated or clarified to NECN in this specific manner. We are working diligently to address the issues you have raised and make them as easy to follow for all parties reading our determinations.

Series of Grievances identified herein as **Margaret O' Hartigan grievances to NECN, November 2nd, 2015; Series Number Two, 2015 concerns 1 through 10 .**

NECN finds that your appeal is timely and decides it as follows:

1. You appealed the denial of your request for an agenda item at a KNA Board meeting regarding board absences.

Decision: NECN finds that the denial of your agenda request did not violate the KNA bylaws, which do not require that every request for an item to be placed on a KNA Board meeting agenda be granted.

Recommendation: NECN recommends that KNA consider amending its bylaws to clarify who is responsible for creating the agenda for KNA Board meetings. NECN acknowledges, however, that KNA may conclude it is in KNA's interests for the officer who is responsible for creating the agenda to retain discretion regarding whether to place a requested topic on a KNA meeting agenda.

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At King Neighborhood Facility, 4815 NE 7th Avenue, Portland, OR 97211. 503-388-5004 main, 503-894-8534 fax, info@necoalition.org

2. You raised the issue that an email string from July 24th and July 25, 2015 constituted a closed board meeting that did not properly include the public.

Decision: NECN finds that you were not harmed by the general tenor and substance of the discussion in the string of emails. No formal decisions appear to have been made in the emails. Because of the lack of harm to you, your grievance is not cognizable under Article X, § B of the KNA bylaws.

Recommendation: NECN recommends that KNA should be more careful in its use of email and ensure that it keeps any deliberations for public meetings.

3.&4.You raised the issue that there was a failure of the Co Chair at both a September 1st and September 9th 2015 meeting to step in and chair the meetings.

Decision: NECN finds that you were not harmed by the lack of the Co-chair to step into the role of chairing the meeting. Because of the lack of harm to you, your grievance is not cognizable under Article X, § B of the KNA bylaws.

Recommendation: NECN recommends that KNA have a board retreat each year and review the by-laws to keep members informed of their duties.

5. You asserted that there was a breach of duty of loyalty by the Co chair in failing to perform the duties the Co-chair at the September 1stand the September 9th Meetings.

Decision: NECN finds that you were not harmed by the lack of the Co-chair to step into the role of chairing the meeting. Because of the lack of harm to you, your grievance is not cognizable under Article X, § B of the KNA bylaws.

6. You raised concerns with resignations and nominations for board positions at the September 9th KNA meeting.

Decision: NECN finds that you were not harmed by the elections or the manner in which members stepped down and where then appointed. Because of the lack of harm to you, your grievance is not cognizable under Article X, § B of the KNA bylaws. NECN also finds that the manner in which the board accepted resignation and filled positions did not violate the KNA bylaws.

Recommendation: NECN recommends that KNA take a closer look at how they are appointing their board members and officers.

7. You asserted that there was a breach of duty of loyalty by the Directors in the alleged manipulation of the election process to protect the incumbents.

Decision: NECN did not find a breach in the duty of the loyalty of the directors in the manner in which they filled vacant positions on the board at KNA.

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8. You asserted that your grievance was not heard in a public meeting.

Decision: NECN clarifies that because Margaret didn't go back to KNA formally with a grievance on this topic it is not part of the due process, however we can make a recommendation. We will not be rendering a formal decision on this item since this item is not seen as being properly grieved at this point in time.

Recommendation: While item 14 above was not grieved to the KNA in a fashion which allows the NECN Execs to take action at this time, NECN encourages all member neighborhood associations to be aware of the need to hear all grievances in a public hearing. This is outlined in ONI standards Article VII, Section D, subsection 3, subsection d states: "The Neighborhood Association's consideration of the grievance shall be open to the public."; further support for the need to hold the grievance review in a public hearing can be found in KNA's bylaws where in it states in Article X, Section C "Eligible grievances shall be reviewed by a Grievance Committee appointed by the Board. The committee shall hold a public hearing..."

9. You asserted that the mailing of your grievance decision was delayed in being dated October 20, 2015, but not being emailed to you until October 29th, 2015.

Decision: NECN clarifies that because Margaret didn't go back to KNA formally with a grievance on this topic it is not part of the due process. We will not be rendering a formal decision on this item since this item is not seen as being properly grieved at this point in time.

10. You raised concerns that "One on one" discussion is not required before filling grievance against KNA.

Decision: NECN clarifies that because Margaret didn't go back to KNA formally with a grievance on this topic it is not part of the due process. We will not be rendering a formal decision on this item since this item is not seen as being properly grieved at this point in time.

Recommendation: NECN would like to recommend that KNA go back and review its September 15, 2015 decisions and is reminding KNA to review its own bylaws.

Thank you for allowing us to explore your grievances in a sincere fashion. We believe that NECN has moved forward and addressed your concerns in a fair and equitable fashion. We look forward to working with you on future matters of interest in our community.

Respectfully,

Alan Silver
NECN Executive Committee Chair

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