April 4, 2018

Dear Benjamin Kerenza, Angela Todd, and Grievants,

SE Uplift has concluded its review of the grievance appeal against Montavilla Neighborhood Association submitted in February 2018.

In addition to the requirement of meeting certain technical criteria such as allowable timelines, a grievance must identify a procedural violation within the Office of Neighborhood Involvement (ONI) Standards or the neighborhood association’s bylaws, and describe harm caused by the violation.

The grievance process is not intended as punitive tool, but rather an opportunity for a neighborhood association to improve if and when errors have occurred. The report on the decisions of the SE Uplift Board of Directors in regards to your grievance appeal follows.

We understand, from careful consideration of the written documents you submitted, as well as from follow-up questions that were emailed, and additional research of the SE Uplift Grievance Appeal Committee (such as videos of MNA board meetings), that there are a variety of concerns present for many different stakeholders. While the attached report responds to those directly related to the grievance process, we wanted to take a moment to acknowledge that others not related to the grievance process are mentioned in attachments, narrative paragraphs, and the cover letter of the original grievance. Many of these concerns are rooted in the October 2018 election. While we understand that due to MNA board turnover several aspects of the election process could have gone more smoothly, we have found no indication that the results of the election are not valid. With that in mind, we offer any help SE Uplift may be able to provide, perhaps with the help of our partner organization Resolutions NW, to assist the entire Montavilla community in moving forward.

We encourage you to work constructively to continue building neighborhood relationships including positive relationships with MNA board members. You are all community volunteers committed to the well-being of your neighborhood, and stormy dynamics have taken a toll on all of you who care so deeply about making your community a better place.

Yours Truly,

Molly Mayo, MS
Executive Director

cc: Montavilla Neighborhood Association
   David Linn, MNA Chair
In order to be considered, a grievance appeal must identify the date of the action being grieved and the provision of the Neighborhood Association’s bylaws or the ONI Standards which allegedly were violated, describe how the provision was violated, how the grievant was harmed by this action, and identify the remedy the grievant is seeking. Additionally, the original grievance must have been submitted to the Neighborhood Association within 45 business days of the alleged violation.

The SE Uplift Board of Directors found that the following alleged violations did not meet the standards for an appeal to a District Coalition and therefore were not considered.

**Alleged Violation 1:** Montavilla Neighborhood Association (MNA) Board violated Article IV, Section 3 (Membership / Consent) by ignoring established board policy and procedures of the neighborhood association board, which explicitly were established to prohibit individuals from becoming members on a same-day basis. The MNA circumvented this policy by calling a same-day membership meeting in order to allow individuals to sign in and become members, and by doing so, violated a policy approved by the board earlier in 2017.

**Board Decision:** The alleged violation does not meet the criteria for consideration as a grievance since the board voted to hold the meeting allowing same-day membership at their September 11, 2017 Board Meeting, which is outside of the 45 business day requirement.

Although the alleged violation does not meet the standards for consideration, the committee would like to note that the board policy referenced by Article IV of the Montavilla Neighborhood Association does not explicitly prohibit same day membership. Furthermore board policy can be changed by a vote of the board. So even if the policy had explicitly prohibited same day membership, it could be reasonably argued that by voting to have a same day meeting, the board effectively changed their policy. Allowing for a general membership meeting prior to the election permits the most people to vote and is considered to be a good practice by ONI and SEUL.

**Alleged Violation 2:** Montavilla Neighborhood Association (MNA) Board violated Article VII, Section 1 (Establishment of Committees) by failing to identify the scope of the committee’s authority, duties, number of members, and appointment of the committee’s membership.

**Board Decision:** The alleged violation does not meet the criteria for consideration as a grievance because the committee was formed in August 2017, which is outside of the 45 business day requirement.
Alleged Violation 3: Montavilla Neighborhood Association (MNA) Board violated Article VII, Section 3 (Committees with Board Authority) by allowing a committee that was already established in violation of the bylaws to engage in a second violation of the bylaws by acting with board authority and having broad authority over expenditure of an abnormally large amount of association funds without any board approval or vote approving specific spending. This committee also did not conform to the open meeting rules, notification, public record, or quorum.

Board Decision: The alleged violation does not meet the criteria for consideration as a grievance because it is outside of the 45 business day requirement. The grievants’ claim that the committee acted with board authority is based on the assertion that it had “broad authority over expenditure of an abnormally large amount of association funds without any board approval or vote approving specific spending.” The committee finds that the board approved the committee to spend $1,500 for elections expenses at their September 11, 2017 Board Meeting, which is the date being considered as the violation.

Although the alleged violation does not meet the standards for consideration, the committee would like to note that a committee being given a budget to spend on a project or towards a specific purpose does not in itself constitute board authority requiring open meetings. Oversight by the board in these situations is executed by requiring receipts for expenses. The Montavilla Neighborhood Association approving the elections committee to spend up to $1,500 for elections outreach and meeting expenses is similar to how the Montavilla Neighborhood Association has historically approved spending up to a certain amount on events or projects like National Night Out or the Neighborhood Clean-up.

The SE Uplift Board found that the following alleged violations meet the minimum standards for a grievance and reviewed them to determine if a violation occurred. If a violation was found, the committee considered whether the violation resulted in harm, if the Neighborhood Association had taken any action to remedy the violation, and if any further corrective action was needed.

Alleged Violation 4: Montavilla Neighborhood Association (MNA) Board violated Article VIII (a) (Annual Meeting) by not giving a seven day notice under the bylaws. A letter was mailed to only a small number of MNA members. Many MNA members were excluded from the mailer including candidates running against the candidates who successfully won the election. Specifically, the board failed to give proper notice of the election in conformance with the bylaws.

Date of Alleged Violation: The grievance does not list a date for the violation but it is implied that it is in relation to the election, which is within the 45 business day requirement.

Board Decision: A procedural violation occurred.

Explanation: Montavilla Neighborhood Association acknowledged in their grievance response that notification by mail was not sent to the full membership list and that the election was not
announced officially through the board’s website sufficiently in advance. There is unresolved dispute about the reasons for this, but regardless, a violation occurred.

The committee finds that this violation did not result in any associated harm to the grievants. The election committee and the board took broad measures to advertise the election in the neighborhood and online including:

- Mailing notification to the members on the most complete membership list they were able to compile.
- Placing ads in the SE Examiner, Street Roots, and on screen at the Academy Theater
- Flyers distributed in the neighborhood
- Posting information to the website, Facebook page, and Facebook groups

These efforts can reasonably be assumed to have resulted in all grievants receiving some form of notification of the election in advance of the meeting.

**Recommendations:** No additional corrective action is recommended. Montavilla Neighborhood Association is currently in the process of working with SE Uplift, the Office of Neighborhood Involvement, and other resources to ensure that a full and accurate membership list is on file, and that a mechanism is in place to ensure availability of this list to appropriate parties at all times, including prior to the election. Montavilla Neighborhood Association has also been able to regain access to their Facebook and website from the past board for future notification.

**Alleged Violation 5:** Montavilla Neighborhood Association (MNA) Board violated Article IX, Section 1 as the election committee, which was improperly established, never proposed a process to the board for approval as required by the section. Instead, it put it into motion as if it had broad authority and in violation of the elections article of the bylaws.

**Date of Alleged Violation:** The grievance does not list a date for the violation but the grievance committee decided to use the date of the election for the purpose of reviewing this allegation.

**Board Decision:** No procedural violation occurred.

**Explanation:** The Montavilla Neighborhood Association bylaws only require the election committee to submit a process for the election to the board for approval if one isn’t already established. Since the election committee used the process provided from the previous year, only areas that deviated from the previous process would need to be approved. Per the grievants, the major differences in the process were holding an additional general meeting on the same day and the associated process for determining eligibility to vote. These major differences were approved by the board voting at their September meeting. Accordingly, the committee finds that no violation occurred. Other aspects of election night described by the grievants appear to be logistical issues due an exceptionally large voter turn out, and were not procedural violations.
**Recommendations:** No corrective action is recommended. However to provide greater clarity for future elections, the committee recommends that the Montavilla Neighborhood Association board adopt a new election policy that broadly defines the election process, but allows for flexibility in specific details so as to allow the election committee or the board to best meet the needs and circumstances of that year’s election.

**Alleged Violation 6:** Montavilla Neighborhood Association (MNA) Board violated Article XII (Conflict of Interest). Specifically, Board Secretary Briar Schreiber proposed an item that would financially benefit her in violation of the bylaws conflict of interest section. This also violates Section VIII of the ONI Standards which do not allow a volunteer board member to be compensated for her time since she is elected to perform these duties in a volunteer capacity. By introducing a proposal to compensate herself at $15 an hour for volunteer duties, this was an item of clear conflict of interest and the Secretary then participated in discussion and voted in violation of the bylaws, and also did not properly declare the conflict of interest.

**Date of Alleged Violation:** The grievance does not list a date for the violation but it can be deduced through meeting minutes and the motion form attached to the grievance that the alleged violation occurred on November 13, 2017.

**Board Decision:** No procedural violation occurred.

**Explanation:** The actual policy adopted by the Montavilla Neighborhood Association at their November meeting states that the funds collected through records requests go to the Montavilla Neighborhood Association, not to the secretary. The committee was able to verify that the policy adopted by the board did not state that the funds would go to the secretary using an online recording of the November meeting ([https://www.youtube.com/watch?time_continue=4711&v=ehYhKocd4rA](https://www.youtube.com/watch?time_continue=4711&v=ehYhKocd4rA)). Accordingly, no violation occurred. The board did mention at the November meeting wanting to consider the idea of reimbursing the board member who compiles records for a records request at a later meeting, but no action was taken on this matter at the November meeting or at any subsequent meeting, to the best of the committee’s knowledge.

**Recommendations:** No corrective action is recommended.