
January 28th, 2018

Response to MNA Grievance from Dec 6th, 2017

Grievance Committee: Antigonus Rose, Olivia Alsept-Ellis, Brad Donohue, Amanda Rhoads

Overview

On 12/08/2017 a set of grievances was lodged against MNA Board of Directors and its Election Committee (EC). Chair David Linn reviewed the grievances to determine which, if any, met the standards of MNA Bylaws Article X Section 3, thereby completing the Initial Review and Response described in Article X, Section 4. David shared the conclusions of his review at the January board meeting on 01/09/18 and sent them in writing to the chief grievant on 1/23/18 (Appendix 1). Chair David Linn and Vice Chair Amanda Rhoads also met with the members of the 2017 Election Committee on 01/06/18 so that group could share information relevant to the grievances against the election process.

A meeting was convened on 01/14/2018 to provide the grievant an opportunity to present information relevant to the grievance, welcome other testimony from other parties, and appoint a committee to respond, per Article X, Section 5. Angela Todd and Ben Kerensa were the primary speakers on behalf of the grievants. They restated the main grievance points but did not offer any further evidence or information. This Grievance Committee was appointed, led by Antigonus Rose, with Brad Donohue, Olivia Alsept-Ellis, and Amanda Rhoads. During the fourth week of 2018 they deliberated the grievance; their consideration and findings are below.

Grievances Considered

3. *Alleged Grievance:* *The Election Committee acted with board authority when they should not have. The EC was given broad authority over expenditure of an abnormally large amount of association funds. There was no board approval or vote approving specific spending. This committee did not conform to the open meeting rules, notification, public record, or quorum to which committees with board authority are subject.*
 - a. The Election Committee was not given board authority and did not act with board authority. This is in accordance with the MNA Bylaws, Article VII: Committees. The elections committee was formed at an open meeting on 08/29/17 where volunteers were sought. Unfortunately, there are not approved notes from this meeting. We understand then-board member and grievant Jennifer Tamayo took notes at this meeting; however, the board appears to not have voted to approve

those notes and they have not been shared with the current board. Grievant Mark McConnell had shared an audio file of that meeting that community journalist Andrew Taylor Wilkins linked to in his September 8, 2017 post (<https://villageportland.com/2017/09/08/this-weekend-116/>), but the audio file has since been removed. However, all members of the EC were in attendance, and testify to the open process by which the EC was formed and the fact that several grievants were at the meeting and welcome to volunteer. The committee reported back to the board at every opportunity, in addition to working with Southeast Uplift and the Office of Neighborhood Involvement throughout the process. This claim is considered invalid.

- b. The Election Committee was authorised with reasonable funds for their needs. This authorization was confirmed unanimously at the 09/11/17 MNA board meeting (Appendix 2). The total budget was \$1,500 to be used to get the word out to as many people as possible. The expenses, which are listed in Appendix 3, included newspaper ads in the SE Examiner and Street Roots and ads on the Academy Theatre screen (all paid using MNA funds by grievant and former board member Jennifer Tamayo); flyers, posters, a first-class mailing to members for which the board had information; the election night venue; ballots; a facilitator for the election; and refreshments (also paid for with MNA funds by Jennifer Tamayo). See Appendix 3, the elections expense report, for more information on their work. Total expenditures were \$1,208.34. This claim is considered invalid.
- c. The committee was not given board authority and therefore was not required to conform to open meeting rules, notification, public record, or quorum (Bylaws, Article VII). This claim is considered invalid because no bylaws were violated.

While the volunteer Elections Committee worked with dedication, accountability and respect for the public process, they ran into a number of challenges along the way, only some of which had to do with the MNA board's lack of members due to a prior grievance. The attached Elections Committee report, presented at the November 2017 MNA member meeting, details a number of recommendations. This grievance committee recognizes the MNA election process could benefit from a process review and more planning for the coming election. We recommend a committee review our elections process using the

feedback from the 2017 Elections Committee and solicited feedback from the membership.

4. *Alleged Grievance:* *MNA violated their bylaws, specifically 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.*

- a. The EC mailed election notices on 09/28/17, which was more than 7 days in advance of the election, using first-class mail, in accordance with Article VIII of the MNA Bylaws. They used the most complete membership list available to them. Unfortunately, the Elections Committee had to work for weeks to gain permission to access the membership lists from the former MNA board. They were first granted, then then lost access to a membership list, and ended up working with another list shared by the board 09/18/17.

Further, the EC pushed the board to announce the election officially through its website or give EC the rights to do so over weeks in September. When neither outcome occurred, the EC took it upon themselves to mail the elections notice with the best list available at the time. The mailed notice went out in the prescribed timeline, and no members were intentionally excluded. The EC expense report, Appendix 3, confirms that funds were used for this purpose. Further, the EC promoted the elections on the MNA Facebook group and the Montavilla Neighborhood Community Facebook group, in addition to the many other outreach methods listed briefly above. Appendix 4, the post-election presentation, overviewed those activities. Therefore, this claim is considered invalid.

This committee notes that it is important for the board to maintain an accurate and complete official membership list. The board is working with the Elections Committee members currently to accurately integrate the various incomplete lists that were provided to the EC, and figure out where information is out of date or missing entirely. This is an ongoing effort.

5. *Alleged Grievance:* *The election committee was appointed without asking MNA members for volunteer participation. The EC did not propose a process to the board for approval as required by MNA bylaws. The EC put the election into motion as if it had broad authority. The election committee meetings were not open to neighbors, and a large portion of elected candidates were given preferential treatment that included early entry into the facility, seating in the main room, knowledge in advance of the evening's format and speeches, and early name entries on the voting ballots. There were many neighbors in a secondary room unable to hear speeches, and there were also elderly, frail and sick neighbors unable to stay through several hours of the process.*

- a. The EC was appointed in accordance with Article VII of the MNA Bylaws. Members were solicited in a public meeting on 08/29/17 at which several grievants were in attendance. This grievance point is considered invalid.
- b. The EC followed the process given to them by the former board to the best of their ability. Members of the Elections Committee were present at every board meeting, with a report at the September MNA Board Meeting where process for the election was reviewed. This point is considered invalid.
- c. Only meetings with board authority are required to give 7 days notice and open access (Bylaws, Article VII). The EC did not have board authority, and therefore did not have to conduct open meetings. This point is considered invalid.
- d. All candidates were physically entered onto the ballot list at the same time. No candidates were given early entry to the facility. All candidates were ushered to the front of the main room. Some did not have seats and waited, leaning on the stage, throughout the gathering. Physically disabled people and the elderly were also ushered to the front of the room, and able-bodied people were requested to move to provide accessible seating. Every effort was made to make the space accessible and fair for all members, candidates included.

In the days immediately preceding the election, there was much discussion about whether it should be moved to a different location because of the concern for

large turnout. Also, there were discussions about whether the elections should proceed given right-wing Patriot Prayer's Joey Gibson stating he was going to come to the elections to "stop antifa." The Committee, working with Southeast Uplift and the Office of Neighborhood Involvement, felt the elections must take place, and there would be more risk in denying people their vote if the location were switched at the last minute to a larger venue with little notice, than concerns about managing potentially being over capacity. The decision was made, and our host worked with the Elections Committee to ensure a successful election. Yes, the overflow rooms were not ideal and, given the number of candidates, the speeches ran long. This is definitely a topic for planning for the 2018 elections, in which we hope there is even more interest. However, the alleged point regarding unfair advantage is considered invalid.

Findings

This committee finds the grievances to be invalid. The Elections Committee was formed and run in accordance with the MNA Bylaws. A reasonable amount of funds were budgeted and approved for publicity, venue, facilitation, and refreshments. The EC made every effort to accommodate all candidates, disabled members, and elderly members. The EC did not act with board authority, and followed all MNA Bylaws.

Recommendations

We recommend a committee be formed to review the elections with member feedback. This review committee should use the feedback from the Elections Committee as a starting point to improving the process, changing the bylaws as needed, and ensuring the next set of volunteers taking on the monumental task of hosting the MNA elections will get the time, support, and resources they need.

Further, as stated above, the board is already undertaking a clean-up of the membership rolls that is required due to incomplete and missing records from the past board. This will ensure our membership list is current, accurate, and contains the information, such as records of the membership dates of our members, required by our bylaws and state law.

We welcome those of the grievants who are MNA members to work with us in revisiting our bylaws, planning our next election, and doing the work of knitting our community together again after these painful and exhausting fractures. We hope to see them at a future meeting or forum soon.

Appendices

1. Initial Grievance Review
2. MNA Board Meeting Notes 09/11/2017
3. EC Expense Report
4. EC Report