

Greg Wilhelm  
Chair  
Portsmouth Neighborhood Association (PNA)  
Delivered Electronically

Electronic copy: Richard Ellmyer  
Tom Griffin-Valade

August 17, 2008

Dear Greg;

The Portsmouth Grievance Committee met on August 13 to review The Grievance submitted by Richard Ellmyer. In preparation for this meeting, The Committee examined the following: 1. The Grievance; 2. An analysis of The Grievance prepared by Tom Griffin-Valade of ONI, indicating certain portions of The Grievance might be outside of the scope outlined by ONI for grievance procedure; 3. The bylaws of The Community Association of Portsmouth (TCAP), also know as Portsmouth Neighborhood Association (PNA); 4. First draft of PNA proposed bylaws amendment.; 5. ONI Standards; 6. PNA response to the 22 items contained in The Grievance; 7. Administrative Rules of PNA; 8. Letter from PNA Secretary, Renee Jensen Reinhardt, regarding June, 2008 Community Forum meeting voting procedures; 9. Robert's Rules of Order; 10. Robert's rules of order web site - <http://www.robertsrules.com/>. Copies of these documents are attached electronically to the covering email, with the exception of 9 & 10.

Please make note that, although invited twice to attend and participate in the committee's meeting (which is his right), Mr. Ellmyer sent an email declining the first invitation and did not respond to the second, which included the date, time & location. He did not attend.

Following are the findings, recommendations and comments from the committee. A copy of this report, with attachments, is being emailed to Mr. Richard Ellmyer, who submitted The Grievance.

In regard to the overall Grievance, The Committee found some allegations fell within the guidelines of PNA bylaws and/or Administrative Rules, or ONI Standards. Some allegations were outside of the scope of review for grievances established by ONI. As an example, ONI Standards do not address compliance with provisions of Oregon Revised Statutes, so the portions of The Grievance dealing with ORS, while reviewed, are not discussed in this report. Additionally, a number of the allegations, although possibly stating actual fact, do not fall under ONI Standards for grievance review. Those were also reviewed, and some are covered here, others are not.

There were 22 "general" violations alleged in The Grievance. Within those 22 there were 63 specific instances noted. The points as they were numbered and described in The Grievance are as

follows, with findings and recommendations included. Recommendations are underlined for clarity.

- I. #'s 1 – 6 in this item are not within the requirements of ONI Standards. However, concerns expressed regarding Jeanne Knepper's qualifications for Board membership are discussed in the findings under Section XI, below.
- II. #'s 1 & 2 in this item are not within the requirements of ONI Standards.
- III. #'s 1 – 3 in this item are not within the requirements of ONI Standards. However, this committee did find that Susan Landauer has not served on the Board of PNA in excess of 8 years. In fact, records indicate that her current term of service on the Board commenced in 2005. It is recommended the bylaws revision include a definition of the term "8 consecutive years" or the requirement be somehow modified to allow qualified and dedicated people the opportunity to serve.
- IV. #'s 1 & 7 in this item are not within the requirements of ONI Standards. Items 2, 3, 4, 5 & 6 deal with providing notice of meetings. PNA's bylaws and ONI standards give guidelines regarding proper notice, as do PNA's Administrative rules. These directives appear cumbersome and costly. It is recommended the revised bylaws and Administrative Rules include a simplified (and less expensive) method of notification.
- V. #'s 1 & 2 relate to establishing a quorum. This section suggested action be taken by The Grievance Committee making events invalid. It should be noted that the task and scope of The Grievance Committee is to recommend correction where the findings indicate such is needed. It does not include administrative actions such as invalidation of the voting procedure. It is further noted that the meeting in question was attended by a greater number of voting members than normal for such a meeting, giving indication that there was better member representation than in the past. It is the feeling of this committee that sufficient representation of the membership was in attendance to validate voting results, AND the past business of PNA has been conducted under these rules, with no adverse results, or expressed concerns. The PNA bylaws need to be updated to comply with ONI Standards, Section VIII.B.6.
- VI. This allegation refers to ORS. ONI Standards do not address compliance with ORS. This issue is beyond the scope of this process.
- VII. # 1 refers to ORS. ONI Standards do not address compliance with ORS. #'s 2 & 5 are not within the requirements of ONI Standards. These issues are beyond the scope of this process.
- VIII. #'s 1 & 5 are not within the requirements of ONI Standards. #'s 2, 3, 4 & 6 deal with PNA bylaws infractions relative to voting procedure. Ballots were handed out at election time, and voting credentials have been verified with two ballots of eighteen being nullified. It does not appear the results of the voting would have been changed had procedures been different however, a current voting membership list should be maintained and available for validation at meetings. Ballots should be available to

those attending who are on the list. As a suggestion for bylaws review, PNA might consider streamlining these rules.

- IX. #'s 1 & 2 are not within the requirements of ONI Standards. #3 refers to Robert's Rules of Order regarding non-registered attendees being allowed to vote. It appears the action of the Chair in disallowing a motion that was contrary to the bylaws was appropriate. It seems at least ill advised if not prohibited to circumvent bylaws by a "suspension of rules" vote.
- X. # 1 is not within the requirements of ONI Standards. # 2 may actually refer to Robert's Rules of Order. In an "open" meeting members have the right to be heard. The complainant alleges Mr. Ellmyer only wanted to obtain a ballot. Mr. Ellmyer received a ballot at the time ballots were distributed to the voting membership. It does not appear the election procedure was at all impeded or influenced by the process employed.
- XI. All items here refer to ORS. ONI Standards do not address compliance with ORS. However, it must be pointed out that the findings of The Grievance Committee are that Jeanne Knepper has been involved with PNA for a relatively long period, and has been serving on the PNA Board for some time. Her involvement was with the knowledge and apparent support of the church. No issues have been submitted heretofore on this subject, although the situation has existed over an extended period. The Committee believes Jeanne Knepper has been a fully qualified member of the PNA Board of Directors.
- XII. This section of The Grievance cites ORS as its authority. Based on that, this would not be a reviewable issue for reasons already mentioned, however the points made seem to fall under ONI Standards and PNA bylaws, so they are considered here using those guidelines. # 1 relates to quorum, which is covered under V., above. #'s 2 – 5 have to do with The Chair announcing a 51% (majority) being required for election to the PNA Board. This requirement is spelled out in Article V, Section 5 of the PNA bylaws. "Election requires a majority vote of the membership present for each candidate on the ballot."
- XIII. The one item here refers to ORS. ONI Standards do not address compliance with ORS.
- XIV. The one item here refers to ORS. ONI Standards do not address compliance with ORS.
- XV. The one item here refers to ORS. ONI Standards do not address compliance with ORS.
- XVI. This refers to Robert's Rules of Order and the proper conduct of debate during discussion of a motion. It appears RRO was not followed, unless the latitude allowed in RRO to adopt special rules that set other limits than those in RRO was invoked. It is suggested the Administrative Rules include such special rules.
- XVII. This refers to RRO guidelines in distributing and reading of minutes from previous meetings, and acceptance of the accuracy of minutes by vote. Although minutes are

available on PNA's website, they were apparently not available at the meetings cited. It is suggested PNA be sure to have minutes available at the time of the meeting, as well as being available on the web site. The newest edition of ROR recognizes the ability to transmit information electronically and the ROR web site states "...that while e-mail or FAX may provide a suitable substitute for postal mail in the issuance of calls for meetings or the conduct of mail voting, they are not suited for the conduct of the deliberative process..." This would imply minutes could be approved through the current email postings used by PNA. Such a process might be included in bylaws or Administrative Rules revisions.

- XVIII. This single item refers to PNA's Administrative Rules, specifically Rule 10 regarding presentation of a "Plan of Work" at the Annual Forum. The cited Rule 10 does not specify the Plan of Work is to be presented at the Annual Community Forum. It also says the PoW may be "...modified by adding, removing, or redirecting items, during the program year." which indicates even if it were to be presented, it could literally change the next day. It does not appear that not having the PoW at the Annual Community Forum constitutes a violation. If the revised Administrative Rules call for a PoW, it is suggested it be available on PNA's web site and that a responsible entity be designated for its preparation and any updating necessary.
- XIX. #'s 1 – 5 in this item are not within the requirements of ONI Standards, however, in regard to item 3 - Section 3 of Article IV of the PNA bylaws indicates a member can submit agenda items for upcoming meetings. This requirement was not followed. Some changes to bylaws might be considered that give the Chair authority to determine the appropriateness of such submitted items before including them on the agenda. Additionally, in regard to items 1, 2 & 4, the same Article/Section requires an agenda be "prepared" by the Chairperson, but lays out no requirements as to when it should be prepared. In any case, it appears the bylaws were followed in this second incident. The Administrative Rules do require "major agenda items" be included in the announcement of the Community Forum Meeting (see IV above). It is suggested that the Administrative Rules include guidance in preparation and distribution of an Agenda for upcoming meetings. No comment is offered on item 5 as it appears the actions of the Chair did not constitute any violations.
- XX. #'s 1 – 5 in this item are not within the requirements of ONI Standards. Additionally, this issue was covered in XI, above.
- XXI. The one item here refers to ORS. ONI Standards do not address compliance with ORS. Once again, covered in XI, above.
- XXII. This final item deals with ONI's recognition of the entity known as both "The Community Association of Portsmouth" (TCAP) and "Portsmouth Neighborhood Association" (PNA). PNA is listed on ONI's web site, with appropriate links. ONI has provided continuing assistance and support of PNA for a number of years. These two factors alone indicate recognition. It is recommended that PNA insure appropriate

documentation is on hand to substantiate recognition by ONI, and that it research its records to insure consistency in its identity.

It is important for this committee to point out that PNA has begun an extensive review of its by-laws and had submitted an initial draft to The Committee for inclusion in its considerations. PNA has also nullified its Administrative Rules, and is working on a new and improved approach to that document. It would appear many, if not all, of the reviewable issues, as well as many of those The Committee did not have the authority to review, will be resolved through the impending revisions.

It is an important finding of this committee that, although there were violations, none of these appeared intentional, nor were they malicious or intended to mislead or misdirect the opinions, decisions, operations or functions of the membership of PNA, its Board, or ONI. In fact, it does not appear that any of the violations resulted in material consequences for any of the forgoing entities, nor were the potential results of measures put to vote altered or influenced to the extent the outcome would have been different.

Neighborhood associations are groups of volunteers – although controversy sometimes brings greater meeting attendance, it can be harmful more than helpful. PNA made a commendable effort to respond to the issues presented and went beyond the scope of The Grievance to improve itself. It is hoped there can be a positive outcome to this process, which includes a cooperative spirit between membership and the PNA Board of Directors.

Respectfully Presented  
Portsmouth NA Grievance Committee

Roger Staver, Chair, Hayden Island Neighborhood Network (HINooN)  
Chair

Chris Duffy, Chair, Arbor Lodge

Barbara Quinn, Chair, Cathedral Park

Adela Rios, Member, Portsmouth

Fletcher Trippe, Chair, University Park