

Neighborhood Associations

Summary of proposed changes in ONI Standards affecting Neighborhood Associations

Below are significant changes of importance to Neighborhood Associations proposed in the draft ONI Standards. This is a good-faith effort to summarize differences between the existing ONI Guidelines with the proposed ONI Standards.

- ❑ See page 8 in draft Standards for Section III: Neighborhood Associations. <http://www.portlandonline.com/shared/cfm/image.cfm?id=23242>
- ❑ See page 3 in side-by-side comparison of existing and proposed Standards. <http://www.portlandonline.com/shared/cfm/image.cfm?id=42501>

Neighborhood Associations (Section III)

Size of geographical area: Would require a minimum size of 100 acres and 200 households. Existing Associations smaller than this would be grandfathered in.

Membership: Expands membership requirements to include people who hold a business license within the Neighborhood Association. A clarification would be made that the list of the membership would not be subject to public record requests.

Non-Discrimination: Expands non-discrimination to include “gender identity” which was added to the City of Portland’s Code non-discrimination language, which Neighborhood Association language has historically mirrored.

Bylaws: Clarifies that Neighborhood Associations should assure your bylaws and Articles of Incorporation are in harmony. The intent is for Associations to keep in mind that as your bylaws are amended over time that you should always make sure you’re not contradicting language in your Articles that were originally filed with the State to be recognized as a non-profit.

Open Meetings and Public Records: *(See below)*

Involving Business Associations: Encourages the participation of businesses and Business Associations in Neighborhood Association activities.

Communication/Newsletter Policies (Section IV, B, 2, a)

Endorsements on electoral campaigns: Currently statements in support or opposition of political candidates or ballot measures cannot be printed as a blanket policy. Proposed standards would clarify that City funds cannot be spent for communication on political candidate endorsements. They would also clarify that Associations cannot take positions on political candidates, which is consistent with IRS 501-c-3 tax-exempt law. In essence, Associations would be allowed to take positions on initiatives and referendums.

Process for change in organizational affiliations (Section IV, E)

Basically this section deals with boundary changes. The change would provide more detailed steps and procedures for three possible organizational changes that a Neighborhood Association(s) might undertake:

1. How to create a new District Coalition
2. How a new or unaffiliated Neighborhood Association might join a District Coalition
3. How a Neighborhood Association might move from one District Coalition to another.

The existing Guidelines do not address these specific scenarios other than to provide a blanket outline for designating boundaries and resolving boundary disputes.

Grievance and Appeal Procedures (Section VII)

The primary change would provide specific timelines and a delegation of responsibilities for action when a complaint or grievance has been filed. The current Guidelines simply call for Associations and Coalitions to follow their own bylaws and seek mediation assistance when needed. These minimal guidelines have led to confusion when attempting to resolve guidelines in a fair and equitable manner.

Definitions: Clear definitions of what a “grievance” can be, who can be a “grievant”, and who is the responsible “respondent” will go a long way towards narrowing the scope of what kind of bylaws and ONI Standard issues are appropriate for the grievance process.

Grievance procedures with an Association: Would limit grievances to violations of an Association’s bylaws. Current Guidelines leave it wide open to grievances on just about any difference of opinion or conflict with an Association.

Timelines would require a grievance to be submitted within 45 days of an incident. In addition, an Association would be expected to respond within 60 days. A grievant would have 14 days to appeal to a District Association. The timelines would provide certainty for Associations, or a “statute of limitation” of sorts, to limit people bringing up issues a year or two later after which a Board of Directors may have completely changed.

Open Meetings and Public Records (Section VIII)

This is a significant change. Current City Code requires Neighborhood Associations to follow State of Oregon Open Meetings and Public Records law, (Oregon Revised Statutes, Chapter 192.) In practice simply referring people to a section of State law to determine how they should provide notice or make records accessible has led to a wide range of interpretations by neighborhood leadership.

The proposal is to adopt a set of procedures at the local level that meet the spirit of State law but are simplified and more appropriate for a volunteer based organization. The State Attorney General produces a volume of over 200 pages explaining State law on this issue. The proposed guidelines would be seven pages. Neighborhood Associations are generally considered a private body, thus not subject to State law. Associations could potentially still be responsible to follow State law if given the authority by a governing body to make a final decision or deliberate toward a decision on a specific issue.

Definitions – Decisions: This would clarify what kinds of decision making processes are applicable to open meeting or public record requirements focusing the intent of these rules on policy type recommendations deliberated upon by a Neighborhood Association.

Definitions- Quorum: Neighborhood Associations would be required to set a fixed number or a formula for determining quorum at meetings. Currently, some Association bylaws simply say whoever shows up at a meeting is sufficient quorum, which would no longer be acceptable for arriving at official decisions.

Decisions shall be made at meetings: Proxy voting will be prohibited. Clarifies that decisions shall be made by a vote that is at least a majority of those voting.

Meetings Open to Public: Still requires meetings to be open to public attendance. Goes into more detail on reasons for which meetings may be closed to the public for Executive Session. Meets spirit of existing State law.

Notice: Still requires reasonable efforts to provide notice to the broadest segment of neighborhood community, clarifying notice in District Coalition

newsletters can meet the requirement. Up till last year the *Oregonian* provided a listing of Neighborhood Association meetings several times a week in the Metro section. In the absence of that community service it has become increasingly difficult for Neighborhood Associations to meet the spirit of this notice requirement. Key change is that notice must be given a minimum of seven days. Current Guidelines do not specify other than require "reasonable notice."

Proposal also defines what qualifies as Direct Notice to individuals who may have a unique interest in an issue on an agenda. Also requires a minimum of one-day notice of meetings for these people.

Proposal specifically points out applicants in land use and liquor license reviews "should" receive direct notice when their issue is on an agenda. While these constituencies were not specifically identified in the current Guidelines, they tend to be parties that historically have an interest in Neighborhood Association deliberations.

Notice for emergency meetings: Under no circumstances would meetings be allowed with less than 24 hours notice. Current Guidelines allow for such meetings with less than 24 hours notice.

Meeting location: Would allow for Neighborhood meetings to be held outside of an Association's boundaries when necessary. Due to budget cutbacks with Portland Public Schools and Multnomah County Libraries many Neighborhood Associations have increasingly experienced difficulty finding no cost and accessible meeting locations within their boundaries. This has been especially true in primarily residential neighborhoods with few community institutions.

Meetings shall not be held in locations where a person would face discrimination on the basis of identities listed in the non-discrimination clause above.

Good faith efforts shall be made to provide an interpreter for the hearing-impaired (which was in the existing Guidelines) or for individuals who do not speak English as their primary language (which was not.) The Office of Neighborhood Involvement and District Coalitions will increasingly work with Associations to identify resources to meet this growing need as Portland diversifies and we attempt to build a Neighborhood Association system that is accessible to all.

Disruptions: The chair of the meeting may have anyone removed who disrupts a meeting. While it was not in the existing Guidelines addendum on Open Meetings procedures this authority is allowed in State law and is standard practice in parliamentary procedure.

Inspection of records by public; exemptions: Proposed language meets the spirit of State law and attempts to be more specific than the existing Guidelines addendum on what records can be exempted.

Retention of Records: Proposed language is clearer on expectation that Associations deliver minutes and other important documents for long-term storage at their District Coalition offices. Again, proposed language meets the spirit of State law and attempts to be more specific than the existing Guidelines addendum on retention periods for Neighborhood Association records such as minutes, business records, correspondence, etc.