

REC Motions to be considered at 070417 VNC Board Meeting

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8CI Ratification of the findings of the committee re; 2 grievances filed by Rick Selan

1. The REC, having heard this matter on April 2, 2007, recommends:

That the Board dismiss with prejudice Grievance #1, filed by Rick Selan and dated 3/5/2007 and received by DONE 3/7/2007 & by the Rules & Elections Committee on 3/8/2007, based on the finding that the grievance did not involve a "decision of the Board of Officers" as required under Article V, Section C of the VNC Bylaws, and that Rick Selan be advised in writing of the Board decision. This grievance is summarized by Mr. Selan as follows: Greivance of 3-5-07 Against VNC.

REC motion passed 3-0.

2. The REC, having heard this matter on April 2, 2007, recommends:

That the Board dismiss with prejudice Grievance #2, filed by Rick Selan and received by DONE 3/29/2007 & by the Rules & Elections Committee on 3/29/2007, based on the finding that the grievance did not involve a "decision of the Board of Officers" as required under Article V, Section C of the VNC Bylaws, and that Rick Selan be advised in writing of the Board decision. This grievance is summarized by Mr. Selan as follows: request for rules and regulations of grievance hearing GRIEVANCE FILED with DONE 3-29-07.

REC motion passed 3-0.

8CII Submittal of a standing rule re; Funding Procedures for Community Projects

The REC recommends that the VNC Board adopt the following Standing Rule:

The Neighborhood Committee shall be responsible for advising the Board on budgeted Community Project funds. The Neighborhood Committee shall consider all projects presented to them during the fiscal year and make recommendations for the expenditure of at least 2/3 of the total Community Projects budget at the final Board meeting before the conclusion of the fiscal year. The allocation of the remaining 1/3 of the Community Projects budget may be recommended to the Board by the Neighborhood Committee throughout the fiscal year on a project by project basis. Projects seeking funding must receive Budget Committee review and approval prior to Neighborhood Committee consideration.

REC motion passed 3-0.

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8CIII Submittal of a standing rule re: Grievance Procedures

The REC recommends that the VNC Board adopt the following Standing Rule:

The Chair of the Rules and Elections Committee ("Chair") has discretion to determine whether a grievance is actionable. Any grievance not alleging an adverse affect by a decision of the Board shall be deemed non-actionable, denied by the Chair with prejudice, and forwarded to DONE without a hearing.

An actionable grievance shall be heard by a panel of not more than five Board members appointed by the Chair of the REC. It shall be heard and disposed of by the Board within the applicable 60-day timeframe as stated in Article 5C of the ByLaws. The hearing of a grievance by such a panel is not subject to the Brown Act.

A hearing conducted by an REC Chair appointed individual or a panel of individuals shall be informal and shall use a set of procedures determined by and at the discretion of the panel of Board members hearing the matter except that the set of procedures shall include: (i) a limited amount of uninterrupted time not to exceed five minutes for each party to present his/her perspective; (ii) time for questions of the parties by the hearer(s); and (iii) time for discussion by the hearer(s) to reach a decision. The decision shall include findings and a determination to be recommended to the Board for its review and disposition.

The parties to an actionable grievance (ie, the aggrieved persons or persons and the person or persons who are alleged to have acted so as to aggrieve the aggrieved person or person) may agree in writing, delivered to the Chair, to have the matter heard or mediated by an individual or a panel of individuals selected by and agreeable to them, in which case the timing and decision of the matter shall be final and not subject to further review by the REC, the Board, DONE, or BONC. If the parties agree to mediation which fails to achieve a settlement, the mediation shall immediately be converted into a hearing and disposed of under the terms of this paragraph. In conducting a hearing, the persons hearing the matter are encouraged to use, at a minimum, the procedures outlined above, modified in their discretion to meet the needs of the situation.

REC supports 3-0.

Due to subsequent review by City Attorney and incorporation of suggested changes, this request was submitted by Joe Murphy. The essence was supported by the REC at the prior REC meeting where it was considered and approved.