

Nyland Decision Making Process

February 2000

These documents describe the decision making process for the Nyland community, including the process for creating Rules, Regulations and Guidelines (R&Rs) for the Nyland Cohousing Association (NCA). This process was approved by the community and was adopted by the NCA Board of Directors in Feb, 2000. The community will assess this process and revise this document as needed in 18 months from passage, around Sept 2001.

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Part I. General Description and Formal Framework

1. Decision Making Responsibilities

1.1 Community-wide Decisions

The entire community makes decisions regarding long-term planning and the fundamental principles and agreements of the community. These kinds of community-wide decisions are in writing and become part of the Rules, Regulations and Guidelines (also known as the Agreements) of the NCA. The community also approves the annual budget and the yearly authorization of Sustainment Group (SG) responsibilities. These decisions are also in writing and a permanent archive of them is kept.

Community members pledge to follow the Agreements to the best of their ability, and to work openly to change the Agreements when needed.

Community-wide decisions are always sponsored by an SG which follows the process described in Parts II and III. In addition, Section 4 below describes the formal steps that SGs use for community-wide decisions.

1.2 Sustainment Group Decisions

SGs make decisions within their authorized responsibility and budget, in order to implement the long-range plans decided by the community. SGs act as representative of

the entire community, and make decisions that reflect our common values as best they understand them. SG decisions are always public. SGs are strongly encouraged to routinely publish all decisions and works-in-progress in the newsletter.

SGs use the decision-making process described in Parts II and III. SGs may reach closure on their decisions if they have agreement of 80% of the active members of the SG.

An SG should consider itself a microcosm of the larger community, and "do the work of the whole" to make large group discussion and decision making as efficient as possible. SGs must distinguish between three types of decisions and modify their process accordingly:

1. Minor topics that should be resolved within the SG, e.g. purchases from the kitchen budget.
2. Major topics that need broad community discussion and input, but the decision is made by the SG. In this case, the SG must publicize the topic they are considering, must use community meetings or other processes to hear the entire spectrum of community voices, and must publicize the decision (in the newsletter or by cubby flyers). An example is paying to have the Common House cleaned.
3. Major topics that require community-wide decision. In this case the SG should facilitate the discussion, create proposals, shepherd the proposal through the process, and monitor the implementation of the decision. An example is the development of the Land Plan.

Major topics are ones that have community-wide impact. Major topics that require community-wide decision are 1) outside past agreements or customs, or 2) outside an SGs budget or authorization.

1.3 Decisions by Owners

Some decisions involving equity issues must be made exclusively by owners, or be ratified by them using the voting procedures specified in the Bylaws and the CC&Rs. Generally, these decisions involve ownership of common land like granting of easements, or those that significantly impact property values. The Board of Directors will decide if any decisions facing the community fall into this category.

The NCA Bylaws and the CC&Rs can be modified only by the process described within those documents, and the provisions in those documents override any R&Rs passed by the community. However, the entire community should be involved in discussions around proposals to modify the Bylaws and CC&Rs.

1.4 Other Groups and Individuals

Ad-hoc groups that are formed around an issue or a project should choose an appropriate SG to sponsor them. The ad-hoc group is then considered a subgroup of the sponsoring SG, and follows the SG process for decision making.

2. Process SG and Decision Resource Team

The Process SG is a standing committee of the NCA, with five or more active members, whose responsibilities are to:

1. Provide help to the community and other SGs to implement the decision making process, including reviewing the decision making process of SGs, as described in section 3.2.
2. Lead the community decision process about the yearly review and authorization of SG responsibilities as described in section 3.1.
3. Facilitate the yearly "declaration of community membership", and maintain the official list of members for the purposes of establishing a quorum for community decisions (see sections 5 and 6).
4. Recruit volunteers for the DRT (described next), and provide process resources to them as needed.
5. Organize community business meetings to ensure that they are publicized and facilitated.

The Decision Resource Team (DRT) is a group of volunteers who act as a resource for the closure phase of decision making (see section 4). This group consists of nine community members, each serving two year terms, with half the members rotating off each year. This group is officially a subgroup of the Process SG, but only meets on an "as-needed" basis when "invoked closure" is called on a decision. The DRT can make its (internal) decisions based on agreement of at least six of the members.

Community members agree to take their turn serving on this committee, and there is an expectation that all community members will rotate through this group. Each year, the Process SG recruits/nominates community members to serve on this group. The Process SG publishes the list of nominees, and there is a period of community input. The Process SG makes a final decision on who is on the DRT.

3. SG Authorization and Review

3.1 SG Responsibility Authorization

A written description of SG responsibilities and budget is reviewed and changes approved by the community annually.

3.2 SG Decision Review

SGs are intended to be efficient working groups that make implementation decisions within their community-authorized responsibility. Inevitably there are differences of opinion and "gray areas" as to which decisions need community approval and which can be made within SGs.

If 5 or more community members feel that an SG decision process was not correctly done, they may petition (in writing) the Process SG for review. The Process SG will then meet with the SG and review the process of that decision. The Process SG may also initiate a review without a formal petition, and in general should monitor and help guide the SG and community-wide decision process.

The Process SG has the power to stop a SG decision, and force the decision to be made by a community-wide agreement. Generally, they should do this when it is clear that 1) the decision differs from past custom and practice, contradicts existing written agreements, or has not been previously considered by the community, and 2) there is significant disagreement or upset in the community and it would be healthier to make a community-wide decision.

4. Community-wide Decision Process

Community-wide decisions are sponsored by an SG which internally follows the process described in Parts II and III to gather community input and formulate proposals. The proposals are formally presented to the community for a decision in the following steps:

1. **Draft Proposals / Gathering Input.** A preliminary written proposal is published in the newsletter or given to each community member. Adequate time is allowed for informal discussion and feedback. The proposal is discussed at least once face-to-face at a community meeting, and the SG meets at least once to incorporate feedback, before a revised proposal is presented. This process may be repeated as many times as the SG needs.
2. **Final Proposal and Community Poll.** The SG must itself come to agreement on a final proposal. The SG must also ensure that the proposal is acceptable to the Board for legal reasons before doing a poll (see section 7). The final proposal is published in the newsletter or given in writing to each community member. There is at least one opportunity after publication for a face-to-face discussion at a community meeting, so that community members may influence each other. If there are substantial changes to the proposal, it must be republished and another meeting must be held to discuss the revised proposal. (clarifying changes to wording that do not change the meaning of the document are not required to be resubmitted).

A minimum of two weeks after publication of final proposal, a poll is taken in which each community member states their response to the proposal: "enthusiastic support", "support with reservations", "stand aside", or "block". If no one blocks, the proposal becomes an NCA Agreement.

3. **Blocked Proposal.** Blocking a proposal involves more than answering a poll. A community member who blocks must be engaged in the process by explaining the reasons for their block, and being available to "influence and be influenced".

If a proposal is blocked, the community has a face-to-face meeting to discuss the reasons for blocking, and to have an opportunity to influence each other about the topic. The significance of a block is explained in order to make sure that another response, like standing aside, is not more appropriate. The sponsoring SG must decide whether to withdraw the proposal, reformulate it, or continue. If the proposal is reformulated, it returns to step 2. If it is continued, then after adequate opportunity to influence each other another community poll is taken, as in step 2.

4. Invoked Closure. After step 3, if there are 5 or fewer members blocking the proposal, the proposing SG can ask for closure (they don't have to, they can keep trying with a revised proposal). An SG should invoke closure only if 1) the issue is important and the SG feels that the community has had adequate time to hear all points of view and consider all options; or 2) the issue is not important enough to spend more time on.

If closure is asked for, a blocker may decide to "stand aside" and withdraw their block. If there are still blocks after this opportunity to stand aside, a "closure group" is formed in the following way: The DRT and the blockers agree upon three people from the DRT who will be the "witnesses" for this proposal. If any blocker cannot come to agreement with the DRT about who the witnesses should be, then their block is removed. (If the DRT sees a need for more than one set of witnesses, they have that option). The witnesses, the blockers and 2-3 representatives from the proposing SG constitute the closure group. They meet once or more to discuss the block, and try to find closure.

The role of the witnesses is to decide whether the process can proceed, based on these factors:

1. does the blocker have information that the community has missed? If so, have the blockers been heard?
2. has the decision-making process been followed?
3. is this decision the appropriate forum for the blockers' concerns/issues to be worked out?

All three witnesses must agree that the process cannot proceed (one may stand aside). If there is disagreement among the witnesses, then the process proceeds.

If the process proceeds, the proposing SG should meet as a whole and decide what to do. They may decide to ratify the decision, in which case it becomes an NCA agreement, or they may decide to do further revisions on it.

If the process does not proceed, the proposing SG should also meet as a whole and decide what to do. They may decide to do further revisions to the proposal, to meet again with the blockers, or to drop the proposal.

In any case, if the proposal is revised, it must go back to the community at step 1 or 2 above.

These meetings must be completed and the witnesses must decide whether the process can proceed or not within three weeks from the date of block, unless the DRT agrees to an extension.

5. Polling and Closing Procedure

When feasible, the polling process should take place at a face-to-face meeting with provisions for members not at the meeting to add their poll during a specified period before and/or after the meeting.

Polling is done publicly, not secretly or anonymously, and results posted in a standard place, with the intention of encouraging ongoing discussion and "opportunities to influence" each other.

In all polls, 80% or more of all community members must respond in order to have a quorum. While community members agree to participate in decisions, allowance is made for absences or abstentions from a particular decision. An abstention does not count for or against a proposal, as long as there is a quorum of members on the decision.

When a proposal is passed, it should be acknowledged and celebrated at a face-to-face community meeting.

6. Who is a community member for the purpose of making decisions?

Residents of Nyland, whether owner or renter, annually declare themselves to be community members "for the year". The Process SG maintains an official list of community members. Residents may give written notice to be added or removed from the list.

We have the following expectations of community members:

1. Agrees to abide by community decisions.
2. Agrees to share the responsibilities of the community by 1) taking part in cooking rotations and 2) actively participating in one or more SG.
3. Agrees to inform themselves and take part in community-wide decisions. If blocking a proposal, agrees to be available to influence and be influenced.

Young people who are ready to become community members as defined here are included. In addition, the community may decide that on special issues that affect kids, kids over the age of 8 years old may be included in the polling process. In that case, there should be special meetings for kids to allow them to discuss and be informed on the issues.

7. Legal Framework for Adoption of Agreements

All community-wide decisions are in writing. All decisions except the annual budget and SG authorization become part of the Rules, Regulations and Guidelines (R&Rs) of the NCA.

The NCA Board of Directors (BOD) plays a special role with regards to this decision process. The BOD will examine each proposed Agreement to ensure that the intent of the community is carried out within our legal framework, as per section 4.3 of the Covenants, Conditions, and Restrictions (CC&Rs), and suggest modifications in a timely manner during the decision making process. It is the responsibility of the sponsoring SG to ensure that a proposed Agreement is acceptable to the Board before proceeding with a poll.

The BOD will accept this decision making process as expressing the will and intent of the community. Upon completion of this process, the BOD will adopt the Agreement as part of the Rules, Regulations and Guidelines of the Nyland Cohousing Association, as per section 1.22 and 4.3 of the CC&Rs, and section 7.1b of the NCA Bylaws. It will reject or modify the Agreement only for overriding legal reasons or for reasons of financial or fiduciary responsibility. It is the responsibility of the BOD to communicate any problems with an Agreement to the community in a timely manner.

The BOD or a group authorized by the BOD maintains the official copy of the Agreements, and ensures that current and new community members have up-to-date copies of the Agreements.