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FULL TRANSCRIPT (with timecode)

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The question is sorry if, um, there was an electronic, um, ballot sent out to vote for the directors, the five people who are on the board of directors, if anybody did not vote and wants to add the vote to the tally, you certainly can now to do that. It looks like there's one. So that's great. I'm just glad so many people voted. Okay. So we will call, um, the meeting back to order at 548 after our brief recess.

00:00:30:15 - 00:01:04:17

Thank you very much, everybody, for your patience. And I hope you're warming up a little bit. Um, where we left off was talking about the governing documents. Um, what we're going to do here tonight is I'm going to talk with the Declarant to give you some information. A lot of this information is already online or has already been posted. A lot of documents and things that have already been submitted to the management company. Um, and just to clarify about how management companies work, management companies are agents of the association.

00:01:04:28 - 00:01:39:27

Um, and so under your bylaws, I think in section 3.6 of your bylaws, that allows the association to hiring management company to act as the agent for the association. So WPM is currently your management company and it answers to the board of directors. So the new board of directors will be able to talk with and make plans through the management company, a piece of information that everyone needs to know, including us and especially the directors who were elected.

00:01:39:29 - 00:02:11:10

All contracts that were entered into by the developer controlled board can be waived, so long as that is done within 60 days of tonight's meeting. So there's a landscaping contract, uh, turning contract management company contract. The board of directors has the right to be able to look at those and without penalty, um, with notice, to be able to terminate those contracts.

00:02:11:12 - 00:02:41:11

So that's important. And I don't want people to forget that because it really, um, makes a big difference. And sometimes associations get stuck with things that they don't want, and they do have the right to do, um, to be able to terminate those contracts. I was talking about governing documents before, um, we adjourn briefly, a recess briefly. Um, you all saw the Second Amendment to the bylaws that, um, talked about plurality voting under your bylaws.

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Your bylaws are not the clearest things of all time. Um, and under your bylaws, it said that majority votes typically control, including for election of directors, which means that based on your vote tonight, out of 106 possible votes, each director would have had to have 54 votes. That's almost undoable most of the time. Um, and I know there were people who questioned that. Why is that? It just is a way that they're written.

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And having just gone through a lawsuit over this very simple, this very issue, um, it was really important that, um, being able to do plurality voting for directors. And what that means, again, is you take all your votes that come in and whether as long as you've had quorum, whatever your quorum percentage happens to be for that usually 50%, the top vote getter, second top vote getter, third, fourth and fifth are elected regardless of how many votes they have.

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So if your fifth top vote getter gets one vote and that's it, that person is still elected. If you're electing five board members. And that was the purpose of the amendment. It passed and it passed with a 57.54717% vote. So that amendment was approved by the owners, um, and has been recorded in the Jackson County records, which means that the voting tonight and we'll talk about the election here in a little bit. Um, that means that plurality voting did control and there was a full board selected.

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All right. So the next thing we want to talk about is just a couple of things. That information that you're going to need to know, you've all received at the last owner's meeting, annual meeting, a copy of the 2024 budget. Um, you're also entitled to see all of these documents that get turned over. Um, your management company has all of the documents that are required to be turned over. These include things like balance sheets. It includes your financial, your insurance. It includes reserve study.

00:04:53:04 - 00:05:06:04

Some of the stuff is available online as well. But it's important. And Robert, can you help here for a minute. Can you tell everybody what is in. The accounts right now for the operating account and in the reserve account.

00:05:06:09 - 00:05:20:18

And the construction account was \$26,005.08, and the operating account was \$67,032.93, and the reserve account was 112,982 and \$0.47. Currently, as we speak right now.

00:05:20:20 - 00:05:50:21

And for clarification, there's \$3,250 that's being transferred into the construction deposit account from us. That was for lot 95. That is due to be returned to the homeowners, but it was outstanding in our book. So that is being transferred down as well. Great. Um, and and one more piece I wanted to offer here under the statute, um, the board is, is entitled to have up to three meetings with the former board over the next short period of time.

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It's by statute. So if you need to have a meeting, you can to go over all of these documents just to answer questions and things like that. Um, the reserve study, you have, you've got copies of you've seen that is available. And, um, the Architectural Control Committee is something that is an important part of every association and approves all of those architectural, um, requests that come in for changes to your properties. Under your bylaws, the board of directors selects the OCC, the architectural control committee.

00:06:27:08 - 00:07:00:21

There are between 3 and 7 members that can be appointed. The board can appoint them. The board can also appoint itself to do that work. So but that's a board decision. And the board will get to make that here. Um, okay. So the board of directors I'm going to try this. Sometimes it gets confusing. There are under Oregon law and corporate law and throughout the country there is a board of directors. The board of directors in an HOA is elected by you, the owners.

00:07:00:23 - 00:07:31:22

There are five. The directors have equal power. They vote based on a majority vote. You know, one vote per director. They make collectively all of the decisions for the association. Um, except for those specific decisions again, that are that the owners have to be able to make or that the board has said, okay, maybe one officer can make some of these decisions that will ratify those decisions. So these are the directors, the five directors.

00:07:32:04 - 00:08:10:02

You also have what are called officers. You have president, secretary, treasurer. Those are the ones who are that are required under the law. You can also have a vice president. You can also have, um, an At-Large director or assistant or assistant secretary, assistant treasurer, things like that. The board of directors elects the officers to do the day to day kind of operational things. They are often the same people, but the owners elect the directors, the directors elect the owners and the officers.

00:08:10:04 - 00:08:11:13

The officers thank you.

00:08:13:09 - 00:08:57:15

Elect the officers. So, um, there are five officers. Like I said, it can be five officers, the three that are required. President is the CEO of the association. Does whatever the chief executive would typically do for a corporation. Usually that is the the person who runs meetings, who is the person who has contact with vendors, lawyers, management company, um, personnel, things like that. There is the secretary. The secretary is responsible for the books, responsible for the meeting minutes, responsible for all the governing documents and tracking all of the governing documents, um, and rules and regulations and any other document that's there, plus anything that the owners might need.

00:08:57:17 - 00:09:28:06

So that's the secretary's job. Treasurer's job is to deal with the money and to be able to look at budgets, make sure that the expenses are being paid, knowing what needs to be paid, when it needs to be paid. In practicality, when you have a management company, a lot of those duties do get delegated to the manager.

That doesn't mean that the officers who are elected by the board aren't involved in dealing with this. But you're all volunteers who do this job.

00:09:28:11 - 00:09:37:25

You have lives, and so it makes sense to delegate that to a company that does this regularly, if in fact, that's what the board wants to do.

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Um, the next thing is to talk about the election results and the election results based on the votes that were had, including and including now and actually.

00:09:56:02 - 00:09:57:18

You had one extra vote, right?

00:09:57:23 - 00:09:59:13

Two, two extra votes.

00:10:02:00 - 00:10:18:00

Um, you can percentages. It'll change. It'll change the number. So. But that's okay. Um. And you know what, Robert? Why don't you, since you've got those final tallies with those two extra votes, why don't you come up and tell everybody who was elected?

00:10:20:01 - 00:10:20:18

All right.

00:10:28:21 - 00:10:29:06

I.

00:10:32:01 - 00:10:32:19

Excuse me.

00:10:33:01 - 00:10:35:08

Could you tell us how many people volunteered to run?

00:10:35:25 - 00:10:39:07

Um, there was eight people on the ballot. Okay. Very eight people.

00:10:39:21 - 00:10:41:23

Eight people on the ballot. Um,

00:10:43:09 - 00:11:11:26

it kind of underscores here you're going to hear the numbers head. No one here reached the 54 mark to be elected. So we pass that amendment. That's a pretty awesome thing because we'd have to do other things

here. So Joy, right. Got 52 votes. Edward Edward Guerrero. 49 votes. Mark Wilson, 45 votes. Douglas Dollard 44 votes. Craig Hanson 42 votes. And that's the five.

00:11:12:09 - 00:11:20:29

Those are the five. Joy. Edward. Um, Mark Douglas and Craig, are you here tonight? One. Two. Three. Four. Whoo! We miss him.

00:11:21:10 - 00:11:24:15

Mark Wilson, our daughter. Oh!

00:11:25:20 - 00:11:30:12

Oh, so congratulations to you. Yeah. Thank you very much for volunteering to keep you safe.

00:11:32:01 - 00:11:34:27

Stop. Did you say those one more time?

00:11:36:11 - 00:11:42:04

Joe. You're right. Edward. Guerrero. Mark. Wilson. Douglas. Dollard. Craig. Hansen.

00:11:43:06 - 00:12:13:29

Okay, what the bylaws don't tell us is who serves what term. Directors terms are staggered. So you've got five directors. One director serves for three years, two directors serve for two year terms, and two directors serve for one year terms. And the reason they're staggered like that is so that you don't have to have a wholesale replacement at every election. You've always got some institutional knowledge moving forward, if that's what you want to try to maintain.

00:12:14:01 - 00:12:48:21

Sometimes it gets tricky when people resign, um, or stop wanting to or being able to serve as a director. So that's something just to kind of watch a little bit. Um, what happens often in these kinds of situations where the bylaws don't say who gets to serve, what term? Um, the top vote getter usually gets the three year term. The next two top getters get the two year term, and the last two get the one year term. However, the board is going to talk about that and decide that that's that's going to be a board question since they were the ones elected.

00:12:48:23 - 00:12:59:04

And hopefully they can work that out among themselves and they usually can't. So but that's the that's the common way to deal with this. Um, I was going to add.

00:13:01:26 - 00:13:34:29

And here I talk about the ACC um o board. You've got a decision to make. Essentially, right now, the organizational meeting that is supposed to take place to figure out who you're electing as your officers has to happen under your bylaws within ten days of tonight. Often we do it tonight because you at least have your officer roles scheduled, and you can figure that out and move forward there from that.

00:13:35:01 - 00:13:45:04

But that's a board decision. And it's a question I'm going to ask at least four of the five that are here because we've got a majority. How do you want to handle that? Do you know do you want to wait? Do you have thoughts?

00:13:45:09 - 00:13:45:24

Can we.

00:13:45:26 - 00:13:54:04

Talk? You certainly can talk to everybody. Go ahead. Talk. It's yours. Figure this out. How do you want to do that?

00:13:55:07 - 00:13:57:05

Well, I think it'd be awkward to talk, Frank, but.

00:13:57:26 - 00:13:58:13

I think.

00:13:58:21 - 00:14:03:12

We would have to sit down somewhere, and I'm willing. Well, stick around or.

00:14:03:14 - 00:14:03:29

You.

00:14:04:01 - 00:14:05:00

Can't. You can't.

00:14:06:28 - 00:14:39:16

See, this is one of the problems of the law. As a board of directors, a quorum of the board can't sit around and talk about association business ever without giving notice to all the other owners so that they can observe. They don't get to comment, but they get to observe unless the board wants to allow them to comment. So it's it's the reason for that is is trying to get as much transparency as possible.

00:14:39:18 - 00:15:14:23

Now a non quorum can get together. Two of you can sit down and have a nice cup of coffee and talk about things, and then two others can go and have a nice cup of coffee and talk about things. But all well, three of the five of you can't talk. Three of the five of you can't even be on an email, having an associate, a discussion about the association. You can't even be on an email chain about that. So what you can do is if you want to send information out to another director, you can send it out to the to the board.

00:15:15:01 - 00:15:46:26

Nobody comments back. Just want to say I have a thought. Okay. And then that thought is shared. But you're not commenting back and forth on the same issue a way a lot of boards do. This is they use the manager, they send things to the manager. The manager then relays some information back and forth that

keeps it from being a meeting. My favorite way of dealing with this, since you are now what I call it affectionately, a baby association, and I do this a lot with a lot of associations.

00:15:46:28 - 00:16:18:22

This is probably the 12th one of these I've done in the last three months with baby associations. I think that directors should schedule weekly meetings. I know that seems weird. Schedule a weekly meeting at a time and place. Send notice out and it can be by zoom. Electronic meetings are allowed. You can send out notice to everybody about when these meetings are going to be. Then if you need to cancel the meeting, no problem. But at least you've got it on the books. So that gives you the opportunity to meet with one another.

00:16:18:24 - 00:16:54:02

I'm going to give you another tip. Um, I think the directors should set up, um, email addresses for that are association based email addresses. You can do maybe just one email address if you want to call it Bella Vista Homes, you know, at gmail.com or whatever you want to call it. Um, but sometimes if you have president at a president Bella Vista at gmail.com. Secretary, you know, dot Bella Vista at gmail.com, then you've then you are segregating all of their business emails from your personal ones.

00:16:54:04 - 00:17:24:22

Because if there's ever a lawsuit, what happens is someone wants every single one of your emails and you don't want to do that, you want to keep them separate. So I recommend that you do that. I think it's just a helpful thing for everybody. And it also tells other owners where they can email you if you need it. Okay. Um, so with that, with that, I'm going to go back, as I've now said, all this stuff about the organizational meeting, you can still talk.

00:17:24:24 - 00:17:47:13

We can still do this tonight. Afterwards. How to have a meeting. It might be helpful for the board to know what's going to happen at the organizational meeting, and just how long it's going to take. It'll take about as long as it needs to five minutes for you to just decide how you want to handle it, or to decide that you don't want to do it tonight. And then you want to schedule a meeting for it within ten days. You can do either one. So I think it's a good idea. Yes, sir.

00:17:47:25 - 00:17:53:20

Well, if we don't do it today, if we ever going to meet, we need to allow these people to participate.

00:17:53:27 - 00:17:59:04

They they they get to watch. That's right. They get to watch you. You bet. And it has to be scheduled.

00:17:59:07 - 00:18:01:28

That's another. And I think we should just do it now.

00:18:02:13 - 00:18:38:00

How about this? So when we finish this meeting, how about we do? We'll bring the board up. You can have your conversation at that point and then figure out how you want to do it. Just even if you decide not to elect tonight, does that work for you? Yeah. Yeah. Okay. Okay. So let's do that. All right. So that is the

second to last agenda item. There is one more agenda item tonight which is an open forum. If you've got questions or things you want to ask. Um, I think the what we'll do is, you know, everybody gets one opportunity to talk about something.

00:18:38:02 - 00:18:52:01

You can ask questions of the outgoing board of me, of Robert, whatever you need to do that here. But I think, I think it's a good idea. Just if people have comments or questions, now's the time to ask. So.

00:18:52:04 - 00:18:55:03

So I'm sorry for asking too many questions.

00:18:55:23 - 00:18:58:14

But just just for the minutes. Can you identify yourself when you speak?

00:18:58:17 - 00:19:03:06

My name is Edward and 49 of you people voted for me. Thank you very much.

00:19:05:17 - 00:19:18:18

Um, now we have some legal questions or something disturbing us. We receive emails like we've been receiving a lot from other people. Uh, contacting our attorney. Is that okay? Individually.

00:19:18:20 - 00:19:51:29

So this is a board question. Here is what I would tell the board. I don't respond to owners emails because can you imagine if I got 100 emails how much money that would cost the association. And it's your money. And so that's why I don't respond to others emails. I do respond to the board of directors emails because the board of directors tells me, or any attorney what to be doing. So that's really important that the board knows and understands.

00:19:52:01 - 00:20:03:24

What I tell the board is pick a good contact person, pick the president, pick, pick the secretary, pick whoever it is, and make that the point of contact. If owners have questions, owners can go to the board and the board can come to the attorney.

00:20:05:12 - 00:20:05:27

Yes, sir.

00:20:06:14 - 00:20:14:09

Um, how long do we have to for the declarant to still be responsible for those things that are still unfinished?

00:20:14:27 - 00:20:18:19

Well, what things are those? Do you have any listing of things?

00:20:18:21 - 00:20:33:05



Well, we certainly have the issue of the road that's collapsing. And that's a big issue that's going on between who's responsible. And I think that's a major issue.

00:20:33:26 - 00:20:39:10

I don't know anything about the road issue. I don't know if you know anything about the road issue. We'll talk about it or comment.

00:20:39:15 - 00:20:42:03

Yes, ma'am. I'm telling you, you can't comment.

00:20:42:29 - 00:20:47:00

Um, I would say that just because we're turning over, uh,

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carriage or board to members doesn't extinguish any legal rights that anybody has. The association. Homeowners. Nothing. This. This doesn't. This doesn't. You know, put an end to any of that stuff. So if anything, it makes it slightly easier because we're not wearing two hats. So now you can talk to us as the developer, and we're not also wearing the HOA hat and concerned about HOA money and how that's spent. So as the owners, the new board can spend HOA money on as many lawyers as they would like.

00:21:20:21 - 00:21:28:07

And it's not us saying, oh, hey, we're going to spend money on lawyers to talk to us about the road.

00:21:28:09 - 00:22:05:15

So that's not what I'm asking. Yeah. When the declarant leaves the and turns everything over to the homeowners. But he has not finished the project as he promised. It's like if I build you, build you build me a house, and I've got X number of years to go back to you for not completing certain things with the house or floors. How long do we now have to go back to the declaration and say, you walked away from here and left us holding the bag for something that you've caused?

00:22:05:17 - 00:22:36:01

You want to do that soon because there are statutes of limitation on things. And so again, I don't know the specific details of what was promised, how it was promised, if anything, I just I don't know. So here's my recommendation. You talk to the board of directors about that and start generating a list, because there could be conversations that the board can have with the developer about those things. And you start with that, and it doesn't mean the developer is going to say, hey, we have no more responsibility.

00:22:36:03 - 00:22:50:06

They could say, we don't have more ability. Melissa could say, you know, we're going to try to get this piece finished. I don't know, but that's how you want to start that conversation. Go to the board first and have the board relay those and start a conversation.

00:22:50:08 - 00:22:57:01

Yeah, we've already been to the board that just left and have gotten no satisfaction. So that's okay.

00:22:57:19 - 00:23:27:29

And there are reasonable minds differ on this. And I will tell you, just because I don't represent developers, I don't do it. But I will tell you a turnover. There are always a lot of hard feelings that that happen right around that time, and it's best to try and get conversations going as best as possible between the board and the developer if you can. Okay. Other questions. So for the more stuff, you guys have my emails. I'm not changing my phone number. Um, you can reach me.

00:23:29:18 - 00:23:31:27

Other questions. Things that you'd like to.

00:23:31:29 - 00:23:32:17

Talk about.

00:23:32:19 - 00:23:33:23

One more time? Sure.

00:23:34:21 - 00:23:35:08

Sorry.

00:23:36:19 - 00:23:54:20

Um, I read all the documentary film, and I've read all sorts of people that needs attention. My my concern is with your attorney is that the board members have any immunity against being personal liability.

00:23:54:28 - 00:23:55:16

Yeah.

00:23:55:24 - 00:23:57:15

I think that question we can't.

00:23:57:21 - 00:24:27:21

Yeah. The question was, is there any protection for the volunteer board for doing the the board's work on behalf of the association? Is there any indemnification would be the legal term for it? The answer is yes. Um, that it does come by statute and I think and without I don't have your bylaws pulled up in front of me, but they're usually is an indemnification provision plus which you also have insurance.

00:24:28:10 - 00:24:59:00

Um, I'm going to ask this question. The insurance policies have been turned over to em. Right. And do you maintain the insurance they're maintaining? You have property liability directors and officers. So directors and officers shorthand, no policy is there to protect the directors and officers from, um, any acts that they make on behalf of the association that are not, you know, outside the scope of their duties.

00:24:59:02 - 00:25:32:02

So if you run somebody over, no coverage isn't going to work. Right. But if you make a decision about something and someone doesn't like it and they sue, yes, you have insurance for that purpose and you do get indemnification from the association, which means that when an owner gets mad or wants to sue, they're suing the association, the corporate entity, and of course, you fund the corporate entity. So you've got insurance to protect you. But if not, that meant every owner would have to be paying a percentage of whatever liability might exist.

00:25:32:18 - 00:25:40:02

Okay. So just something to be aware of because you're all in this together. No, that's a good question. What else would you like to ask?

00:25:44:07 - 00:25:46:05

We got a little late today, so I didn't.

00:25:47:10 - 00:25:47:25

I'm.

00:25:49:24 - 00:26:18:13

Sorry. My name is Patrick Ferrin. I've been hired by the former board of directors to represent the association. Um, I'm Aaron Fedora, I'm with the developer, and I've been the president of the HOA for the last number of years. And I've been a board member for the last couple of years and as secretary. And so that's the that's the group. And it's Robert's summer. Robert's back there. Oh, good good good good. Okay Robert you don't represent

00:26:20:00 - 00:26:50:11

I do I represent your association I do not represent that developer okay. That's why I was hired. Okay. And intentionally. My very first comment to them I'll just say is I don't represent developers. They said why do we want you for the association? So that's what I'm here to do. I represent and I should be clear about this. I represent the corporation, okay. Which means that I represent not individual owners. I don't represent individual directors either.

00:26:50:13 - 00:27:00:24

I report to the board of directors and the board of directors directs me, but I don't represent individuals that way. Just. It's a little distinction to be made.

00:27:02:13 - 00:27:06:09

Sure, sure. Thank you. Other questions? Yes, ma'am.

00:27:06:26 - 00:27:07:11

Yes,

00:27:09:08 - 00:27:28:10

ma'am. I have a circle. I just had a question. I know they talked about the rights of homeowners to have the list of their, um, the other homeowners. But what right do we have to stop all of the junk mail, all of the postcards and different things that we've received?

00:27:28:13 - 00:27:47:06

Yeah. Okay. So under the law, all homeowners have a right to the list of members and contact information. This is a board question coming up okay. So I want the board to think about

00:27:48:25 - 00:28:30:05

in this day and age, often it includes email addresses. Often it does. And if the association communicates with owners through an email blast based on, you know, everyone's emails, that information under the Oregon Nonprofit Corporation Act is generally available based on a records request to the association. However, sometimes there are circumstances in which owners do not want certain information published.

00:28:30:26 - 00:29:05:05

You can opt out of receiving email address emails and that from the association. Okay, so that is an option for owners. The statute, the planned Community Act and other activity are subject to at least two Oregon acts does allow owners to say, we don't want to have that information out there. We want to be communicated by mail only. And in that case, then the email addresses don't go out. Okay, now can you stop owners from emailing you? You can ask them to stop.

00:29:05:07 - 00:29:29:19

That might help. It might help. People are generally reasonable. They might stop emailing. You know about that? Um not always. Um, that's that's one thing that you can do. But the board I want you to decide how you want to communicate right now, in today's day and age, electronic email is about what it is and owners. You can change your email addresses to provide another one just as an option. Okay? Yes, ma'am.

00:29:30:03 - 00:29:30:18

Hi.

00:29:30:20 - 00:30:04:05

Mandy and I have a question since on that topic that we did a sign in sheet tonight, is that would that be part of the records request, and if so, I personally would like to remove my phone number. Um, as a past president of a very large association, the behavior that I've witnessed is appalling. The amount of emails that we are getting, postcards, it's scaring new homeowners. And if this behavior doesn't change, and I think there's more than one individual responsible for it, we are going to run everybody away and we'll have a defunct association.

00:30:04:17 - 00:30:13:15

And that's exactly why I is a very experienced board member in the past, and serving on many of several other boards, did not want to take part in this.

00:30:13:17 - 00:30:46:27

So that's a good move. You actually can remove it and Robert can remove that. In fact, phone numbers, we can actually remove all the phone numbers from tonight and just list who was here. Just what we redact all of it okay. You know, and I think that that's reasonable. Let's let's talk about that for a second. And and I'm not calling anybody out. I want to be very general about this because it can be hard living in a community that you have to be neighbors, but you also have to be members of an association.

00:30:47:14 - 00:31:25:21

And it comes with what we're trying to do. What lawyers who represent Hoa's talk a lot about civility and respect. We might not ever agree on things. That's that's fine. But being able to get along with one another and treat people with respect is really important. And decency without harassment, without bombarding people with information board. One of the things you can adopt is a you know, I draft these all the time, kind of an anti-harassment kind of policy, um, anti kind of bullying type policy.

00:31:25:23 - 00:31:30:18

You could also draft a civility policy that we expect people to.

00:31:30:20 - 00:31:31:15

Behave.

00:31:31:17 - 00:32:06:09

In a way that even when we disagree and let's face it, we all disagree, but we can still do it respectfully. And that's what I encourage you to do as best as possible, because we don't want situations like you're describing it. They're terrible. And as a lawyer, I deal with them every single day. And and I don't like to deal with them and know nobody does. So the best you can. And sometimes neighbors can, can work together on this too. Sometimes the board can work together to try to help people, you know, just get along as best you can effect, um, and your own.

00:32:06:11 - 00:32:07:18

Neighbors. There are a.

00:32:07:20 - 00:32:14:21

Lot of neighbor to neighbor conflicts that can occur. The association can't solve all of that can't be resolved with most of that.

00:32:14:23 - 00:32:15:27

Do you want to make that clear?

00:32:15:29 - 00:32:44:16

But it can thrive best when it's appropriate to, especially if they're bullying, especially if there's talk of harassment of protected classes. Board has to step in and try to investigate and do some work with that. So it's just it's important though, and I'm hopeful. I'm thrilled to see so many of you here tonight. Sometimes I show up to meetings and for people this is great, I love it. I mean, and it's wonderful that you're all here, that you care. And I hope you keep caring because it's going to make your associations well.

00:32:45:28 - 00:32:47:23

How long are you representing us?

00:32:47:25 - 00:33:18:11

Until the board of directors says no. Oh, yeah. I work on behalf of behalf of the board. So this board decides if they want me to stay. That's great. And if they don't, that's fine too, because it's a board decision. There are not many HOA lawyers. The one piece of advice I will give you is I don't care who you hire, hire an HOA because it's it's like going through a divorce and hiring a tax lawyer. Not good. It's just not what you want. You want somebody who actually does this stuff.

00:33:18:15 - 00:33:27:17

That's what you do. And for clarification, it's not on retainer. He's just he's hourly. So there's not a monthly bill being paid. Right? Right. That's correct.

00:33:29:10 - 00:33:30:06

Other questions.

00:33:31:07 - 00:33:32:16

Comments. Thoughts?

00:33:34:06 - 00:33:46:16

Yes, ma'am. There's a confusion as to who we are. We mail our checks to Bella Vista Homeowners Association. Or do we mail our checks to them?

00:33:46:20 - 00:34:18:15

Okay, so your legal name, the legal name of your association is Bella Vista Homes homeowner's association. That is the name of the association. Quality property management is the agent. You should be mailing your checks to the association and mailing it in care of them. That's. That's how you want to do that. And it's important your legal name is important. So we want to use your Bella Vista Homes homeowner's association.

00:34:18:17 - 00:34:24:07

That is your name. And Judy, as we covered off earlier this year, the bank accounts were not set up.

00:34:24:09 - 00:34:42:01

So now the bank accounts are Bella Vista Homes Homeowners Association bank accounts. So that issue that we identified earlier this year or I guess last year where the bank accounts were in my name, that's been corrected. So the checks would go to the homeowners association. Okay.

00:34:43:02 - 00:34:47:01

That's a good question. Thank you. Other questions. Comments?

00:34:50:15 - 00:35:21:21

If there is nothing else, then I think at this point I had nothing else on my list. If there's no further business on this front, we're going to adjourn the turnover meeting at 623, and we will call to order briefly and board. If you want to come up, you can come in and have come up here and have a quick conversation, um, about what you want to do. Let's just do that right now if you can.

00:35:21:25 - 00:35:25:11

You don't have to make a decision, but you can at least.

00:35:27:02 - 00:35:27:19

Talk about it.

00:35:44:02 - 00:35:47:02

Joy. Hi. Thank you.

00:35:47:20 - 00:36:18:01

Nice to meet you. I'm so bored. Um, just. I'll try to just help you. Just so everybody knows, when it comes time to a board meeting. This is your meeting. You can sit if you want. You can stand here. Um, this is your meeting. Um, owners don't have the right to speak unless you grant the right to speak to the owners at this point. Sometimes you want to. Sometimes you want to do an open forum, like we just sort of get. Sometimes you go, we don't have enough time tonight. We're going to do what we need to do to get to this place. Have at it. Thank you.

00:36:18:08 - 00:36:18:28

You're welcome.

00:36:19:21 - 00:36:24:19

Thank you. If you could all introduce yourselves. Oh, no. You are.

00:36:25:02 - 00:37:00:15

Let's do that. Good evening, ladies and gentlemen. Thank you for being here tonight. We appreciate it. And for those of you who voted for me and for the rest of us, thank. Thank you for voting for us. Um. Name? Doug. Doug. Dollard. Um, my wife and I live on Domina Drive. We lived for seven years ago. So we love Bellavista. We love our neighbors. Um, we're happy to be here. Happy to be a member of the board. I have the feeling that many of you may have real questions for us, and suggestions you'd like to make, and with the agreement of the rest of the folks here.

00:37:00:17 - 00:37:04:08

Maybe you just want to tell us what you think we should be concentrating on first. Can we?

00:37:07:03 - 00:37:08:25

Can we introduce everybody?

00:37:09:21 - 00:37:18:02

Yeah. They announced my name is Edward Guerrero, but my legal name is Edward de Leon Guerrero. Okay.

00:37:19:03 - 00:37:19:19

Where do you.

00:37:19:21 - 00:37:20:24  
Live? Uh.

00:37:20:26 - 00:37:22:12  
Pardon me. Where do you live?

00:37:22:24 - 00:37:25:03  
Well, I just moved here three months ago. I forgot the address.

00:37:28:08 - 00:37:31:15  
Karenina. What's the number? We don't need it.

00:37:33:18 - 00:37:54:01  
We're not knocking on the door. You know, I'm so sorry. Don't get old. Yeah, okay. But, um, I know we are a subject of so many, but, you know, later that we have problems in the Korean area that the earth is moving. So talk to me and have you, uh, cramps. I think I just want.

00:37:55:08 - 00:37:57:15  
To know how to overcome.

00:37:58:12 - 00:38:02:18  
That. Anyway, I hope not so long ago.

00:38:02:27 - 00:38:08:02  
All right. I'm in joy. Right? My husband, David Callen, and I live on Sorrento.

00:38:11:21 - 00:38:26:19  
I'm Craig Hanson. Uh, my son and daughter in law live on Estrada, and the three of us owned the home, and they're too busy with teenagers. So, uh, dad decided to become involved.

00:38:33:26 - 00:38:34:11  
Thank you.

00:38:35:26 - 00:38:38:06  
Questions? Suggestions? Recommendations?

00:38:40:21 - 00:38:42:00  
Why don't we choose first?

00:38:42:08 - 00:38:43:03  
Go ahead. Dana.

00:38:45:13 - 00:38:47:29  
Do we have to do that right this minute? Yes.



00:38:48:16 - 00:39:08:10

If I should suggest this is a whole lot more complicated than what we're going to resolve in five, ten minutes, right? And, yeah. Yeah, it's a little different than the, uh, committees that I have chaired. The president. Wait a minute. It's going to be a little more involved, I think. Yeah. And the legality side.

00:39:10:05 - 00:39:40:16

Can I make a suggestion? Absolutely. Dana Henderson. Um, there are a lot of issues to for you guys to look at. A lot of things to just get familiar with. There are things that, uh, some of you are newer, and some of you have been here for quite a while. Um, I would suggest that maybe you could put together a meeting in, like, 2 to 4 weeks where you've got an idea of talking to us with a clear idea of what your agenda, what your goals are, the things that you think the community might need and what you think you could offer.

00:39:40:18 - 00:40:06:12

Since we never really got an opportunity to discuss candidates and meet candidates and see their goals in the first place. It's even though we know where you work or that you've been in a community situation before. I think it would be beneficial for us to have a meeting like this again, maybe in the next 2 to 4 weeks, where you've had an opportunity to figure out how this whole thing is working and then put it out to the to us for questions.

00:40:06:25 - 00:40:09:21

So we have a ten day deadline, though. Yeah.

00:40:09:23 - 00:40:13:04

Our general lawyer tells us we have to do that.

00:40:13:17 - 00:40:42:23

So I think that's organization now. Mhm. Uh so that we can and it is going to be interesting. Uh talking I mean as you start listening to this forum, two of us can talk. Three of us can. Yeah. You know, so um, again, I was in meetings and we were told that, and it was bullshit. We talked anyway. Yeah. You know, you got to. It was. That was a whole different ball game.

00:40:43:01 - 00:40:43:16

They didn't want.

00:40:43:18 - 00:41:09:27

To hear whatever. Yes, ma'am. I would just like. I mean, I would like very much to encourage you to be transparent in all your activities. Yes, because we've had a lot of non transparency and lots of rumors and whatever. And I'd like for you as a board, my board, to come and say to us what you're doing, why you're doing it, what you need from us so that we can all play.

00:41:10:25 - 00:41:23:19

And that's one of the reasons, even though I didn't live here, that's one of the reasons that I ran for the board, because you need that. And I was seeing what my son was reading and I thought, this is crazy, you know? So I totally agree with you.

00:41:26:19 - 00:41:28:03

Good luck. Good luck guys.

00:41:29:14 - 00:41:33:29

We appreciate you very much for stopping us. Thank you. Thank you.

00:41:34:15 - 00:42:04:18

I'd like to say something. We received an email that there's not enough people running. Huh? And, of course, my wife said, you've been on so many boards and you have the education and the experience. So we just put a little in here. But, um. Yeah, somebody has to do it. And the only major thing I put in my résumé that we submitted. Uh, accountability. Okay. And, um.

00:42:06:19 - 00:42:07:11

It is too much

00:42:09:05 - 00:42:17:17

and I am a centrist. So I believe to be in the middle. Okay, I'm not the extreme right or I'm not extreme left. They get together in the middle.

00:42:19:09 - 00:42:36:13

I just want to encourage everybody to respect these four. And I know one that's not here. Their privacy. And again, with my experience, please don't go knocking on their door to yell at them if something doesn't go your way because they don't deserve that. They are standing here and I appreciate what you're doing.

00:42:37:06 - 00:42:39:13

Yeah. Thank you. Thank you. Thank you.

00:42:42:15 - 00:42:48:14

Sort of getting back, I think, to the health. What do we have to talk about right now so we can get set up?

00:42:48:16 - 00:43:26:20

Let me give you a suggestion. Um, Mark is available by phone. One of the ways that you can we can have a conversation. There is something called executive session. You can go into executive session for very limited purposes. One to meet with legal counsel. The legal counsel can give you some advice for the association to. You can talk about collections of unpaid assessments in executive session three. You can talk about negotiations of contracts for you can talk about employment matters, but you don't really have any employees.

00:43:26:22 - 00:43:57:02

And if you can deal with litigation and mediation matters. That's it. So and so with me, we can sit and have a conversation. And it would just be the well, the part would be the six of us. And we can talk about how you want to do it. The way you do that is you move to go into executive session. We can walk out in the hall, um, and have a quick conversation. If you want to do that with Mark or, um, you can you can also say that you can send them out.

00:43:57:04 - 00:44:04:29

Sorry, I don't mean by that, but you can do it that way. Um, it doesn't mean we adjourn the meeting. Mark, just move to the second session.

00:44:05:01 - 00:44:05:21

Mark.

00:44:05:23 - 00:44:06:08

Uh.

00:44:06:10 - 00:44:07:12

Mark Wilson was the guy.

00:44:07:14 - 00:44:11:21

That's not here, right? I'm sorry. Mark. Mark.

00:44:11:23 - 00:44:14:11

I'm sorry. I keep pointing because Mark was on the phone. Yeah.

00:44:15:06 - 00:44:22:29

I called you Mark, and and I thought, Robert that. Robert. Robin, I mean. Yeah, yeah, yeah.

00:44:24:21 - 00:44:28:06

Mark. Mark texted me and I asked him if he was not available by phone.

00:44:29:00 - 00:44:36:23

And so I can say he calls you Mark. So that's why I went Mark whose work is. Yes. Well.

00:44:38:24 - 00:44:42:10

Yes, yes. We appreciate you if you return our call. Yeah.

00:44:44:01 - 00:44:45:28

Could you just restate the question.

00:44:46:00 - 00:44:57:11

So so here's here's what you could do if you want to move into executive session to just talk with me and to talk with Mark on the phone. Um, we can you can do that.

00:44:57:13 - 00:44:59:20

Could you restate the question that we have ten days to decide?

00:44:59:22 - 00:45:19:15

You have that. So the question is you need to elect officers. You've got ten days to do that from tonight. So you could choose just to schedule a meeting right now in the next ten days, so that notice can go out to all the owners. And it could be in person. It can be zoom, it can be whatever you need to be. Okay. So those those are really the options for you.

00:45:21:26 - 00:45:22:20

Well, just.

00:45:24:01 - 00:45:29:01

So electing officers, the board kind of like them.

00:45:30:20 - 00:45:37:04

Um, can we change that as we get rolling along? That. That's not something.

00:45:37:06 - 00:45:57:15

It's at the discretion of the board of directors. In fact, you can. I don't have your bylaws up in front of me, but I have a feeling your bylaws say you could actually make an officer of somebody who is not a director. So, for example, sometimes the treasurer is a CPA who's not on the board, but it's a CPA because you want a CPA to.

00:45:57:17 - 00:45:58:02

Do the work.

00:45:58:15 - 00:46:02:19

So that's sometimes a helpful thing. So that's something you can look at and talk about.

00:46:03:12 - 00:46:11:13

Okay. And also we're going to follow the rubber loop of audit. So anytime we can make a motion and a second and we vote we can make changes.

00:46:11:15 - 00:46:12:10

You have to read it again.

00:46:12:27 - 00:46:13:17

I think we have to.

00:46:14:00 - 00:46:15:03

You know.

00:46:16:12 - 00:46:18:20

Like any other board. So what would.

00:46:18:22 - 00:46:20:10

You like to do? How would you like to handle it?

00:46:20:27 - 00:46:37:11

I, I think that we ought to pay because you got the most votes. You momentarily take over. Um, and then I think that we should do an executive. Like I say, I think the problem right at the moment is we got to figure out the organization.

00:46:37:13 - 00:46:39:16

And you're from Canada? No.

00:46:41:00 - 00:46:44:29

I'm from Portland, where it is at Long Drive.

00:46:45:01 - 00:46:48:20

So we should take advantage of the fact that this gentleman is here now.

00:46:50:07 - 00:46:53:24

Well, I was going to make a motion that the highest voter can come to first.

00:46:57:20 - 00:46:58:05

All right.

00:46:59:14 - 00:47:07:14

So let's do this. Keep things moving so we're not wasting everybody. Why don't you make a motion to go into executive session. So we need a motion to do that. Okay.

00:47:07:28 - 00:47:08:25

Uh, we go.

00:47:08:27 - 00:47:09:14

Into executive.

00:47:10:17 - 00:47:11:02

Session.

00:47:11:04 - 00:47:24:04

There's a second. Second. Anyone opposed? Motion carries. So now, um, do you want to actually, um, are you planning to come back and vote afterwards? You might want to come back and vote afterwards. We have to do that in open session. So do you want to get in the hall?

00:47:24:09 - 00:47:25:04

Yeah, let's do that.

00:47:25:08 - 00:47:35:14

So we're going to we're going to go into executive session briefly. We're going to go into the hall and we'll be back hopefully not much longer than ten minutes. You can feel free to stay. Um, and then might come back and vote for no.

00:47:35:16 - 00:47:36:25

More than three of you can.

00:47:38:23 - 00:47:39:21

That's you guys.

00:47:41:20 - 00:47:42:05

No more.

00:47:43:28 - 00:47:45:15

And you.