

## **West Oaks Condos HOA Annual Meeting**

November 19, 2009

**Attendance:** David Doughman, Brian B. Egan, Mary Fell, and Jane Wright (Doris Cancel-Tirado absent) – board members. Dave Stubbs of Willamette Community Management (WCM) – property manager. Jason Grotz of Vial Fotheringham LLP, association attorney. Caleb VanderMolen, Morrison-Hershfield Engineering. Owners attending: K. Lehman, A. Jackson, P. Purtzer, D. Wells, L. Benzing, T. Mills, and R. Brown.

**Call to Order:** By Brian B. Egan, president, at 6:35 pm.

**Confirmation of Quorum:** A quorum of owner members was NOT established (31 people/proxies were present, with 38 required) for this meeting. By unanimous vote, the meeting was rescheduled for 6:00pm on Tuesday, December 1, 2009. In accordance with ORS 100.408(2), WOCO requires 40% for a quorum for the initial meeting, but only 20% for the rescheduled meeting.

**Adjournment:** The meeting was adjourned at 6:45pm. (Minutes of the rescheduled meeting appear at the end of this document.)

## **West Oaks Condos HOA Board Meeting**

November 19, 2009

**Attendance:** as above. A quorum of board members was confirmed.

**Approval of October Minutes:** October minutes were approved as posted on the website.

**Treasurer's Report:** The bank account is reconciled. The last payment of \$27,000 was paid on the F-104/F-204 water damage bill.

**Guest Speakers:** Jason Grosz and Caleb VanderMolen

Jason Grosz gave a history of the lawsuit. Morrison-Hershfield (M-H) was approached by the previous board because there were initially leaks in a few of the roofs. Upon inspection, M-H found other construction concerns. Jason Grosz of Vial Fotheringham was hired as the attorney for the HOA, and he filed a construction defect suit in Benton County against Willamette Builders Group.

As of the present, a referee/mediator has been appointed. An initial mediation meeting was held; global mediation will be held on February 12, 2010. Trial has been set for May 4, 2010, should the case not settle through mediation.

Jason answered questions from the gathered owners. The questions and Jason's responses are available by email to owners of record, who should send a request to [wcm@willamettecm.com](mailto:wcm@willamettecm.com).

**Special Assessment Discussion:** Brian B. Egan, president, explained that, as a board, we are responsible for monitoring the Homeowners Association's money. Routine expenses are relatively predictable; they are included in the annual budget and are paid by the regular monthly assessments. Some of the assessment money funds reserves for future repairs, and some is placed in a contingency fund for unexpected emergencies. Our former management company (before Willamette Community Management) made some accounting errors that allowed reserves to be underfunded, and no contingency money was set aside.

Two large unexpected expenses totaling \$75,000 occurred during 2009: water/mold damage was discovered in building F (~\$30,000), and the construction defect lawsuit incurred expenses for hiring consulting engineers Morrison-Hershfield (~\$45,000). The board, recognizing that these had to be paid immediately, borrowed the money from the repair reserves. Because we could not prudently leave the reserves underfunded, the board unanimously approved to levy a one-time special assessment to recoup the \$75,000. The money will be assessed based on the pro-rating formula used for regular assessments, and will be collected as 12 monthly surcharges added to the regular assessment bills.

Recouping the money over three years was discussed, but was rejected because of the risk of underfunding reserves so long. When the lawsuit settlement is paid, the board will evaluate repaying the special assessments from it; however, there is no guarantee that this will happen.

Under the guidance of Willamette Community Management, reserves now are being properly funded.

#### **Property Manager's Report:**

- Delinquent assessments: There are four chronically delinquent owners' accounts. Two are in bankruptcy, one is in foreclosure, and one be paid soon.
- Parking Permits: Permits are being enforced, with the result that there are spots available for residents.
- Mold in F-104 and F-204: Mold issues have been resolved and the bill has been paid.
- Stairwell sweeping: The stairwells are being swept on a rotating basis, approximately once every two months.
- "Crimestop" insurance coverage: The HOA's regular insurance provides a bond coverage on the management, making the former special

“Crimestop” policy redundant. The board voted not to renew the “Crimestop” insurance.

- Dryer vent cleaning: Owners present at the meeting asked Dave Stubbs to check into having dryer vents cleaned, with the HOA paying. \* Dave Stubbs will check into this and report back.

**Next Meeting:** Dec 1st, 2009, 6:30pm. The agenda will include holding the annual meeting and electing officers

## **West Oaks Condos HOA Annual Meeting (rescheduled)**

December 1, 2009

**Attendance:** Brian B. Egan, Mary Fell, Jane Wright (Doris Cancel-Tirado and David Doughman, absent) – board members. Dave Stubbs of Willamette Community Management – property manager. D. Wells and K. Lehman – owners.

**Call to order:** Brian B. Egan, president, called the meeting to order at 6:00pm.

**Confirmation of quorum:** There were 19 proxy appointments plus 5 owners present in person, providing the quorum (24 present; 19 required) (See the note regarding quorum in the November 19 minutes above).

**Approval of 2008 Annual Meeting Minutes:** The 2008 minutes were approved as posted on the web site.

**Election of Board Member:** David Doughman’s and Brian B. Egan’s terms have expired. Candidates for the expiring positions were solicited. Denise Wells agreed to run for the board, and Brian B. Egan agreed to run for another term; no additional candidates were nominated. The membership elected Brian and Denise to three-year terms ending December 2012.

**Adjournment:** The Annual Meeting was adjourned at 6:10pm.

## **West Oaks Condos HOA Board Meeting**

December 1, 2009

**Attendance:** as above. A quorum of board members was confirmed.

**Approval of November Minutes:** November minutes were approved as posted on the web site.

**Treasurer's Report:** No report was made, because it is too early in the month to have data.

**Owners's Forum:** No owners spoke.

**Determination of Officers:** Brian B. Egan, Jane Wright, and Mary Fell were asked to continue in their current positions of president, secretary, and treasurer respectively. The board welcomed new member Denise Wells, who will serve as member-at-large. \* Brian will email the latest M-H engineering report to Denise. (Brian reminded all board members that no official business can take place via email, but must be conducted in open session at the monthly meetings.)

**Next Meeting:** January 11, 2009 at 6:30pm.