

HON HOA Board Meeting Minutes for April 25, 2025

Meeting Called to order by Theresa Springer, President: 6:03pm.

Attendance:

Theresa Springer, President

Ladene Culp, Secretary

Bruce Blank, Director

John Metschan, Director

Kathi Swanson, Doug Millican, Kathleen Landers, Kathy Marshack, Gene Schiesser, Carol Hoke

Quorum Achieved

Motion to approve minutes from March 24, 2025 Board Meeting as read, made and seconded:

All Directors attending in Favor. David Richardson approved absent.

Treasurer Report:

As David was absent, Ladene brought in a first quarter report on all income and expenses for the year. This report will be distributed to the HOA community but not listed on the minutes portion of the website. Ladene noted that after the next bill, the legal portion of the budget will have mostly hit the \$3K set aside for the year so further legal expenses would pull from the legal reserve. She also noted that there is currently no money in the budget to fill the reserves. It was noted by Theresa that reserves are a requirement by law, but that we are unable to fill our reserves on the current budget without passing an update to our CCRs that allows for higher annual assessments. It was noted that the Board has attempted to pass such an amendment for several years. Not having these reserves will mean the need for special assessments.

New Business:

Theresa presented that the Board will be having an executive session on Thursday May 1, 2025 at 3pm. A short board meeting will occur, followed by an executive session to discuss current legal matters with the HOA Attorney. The Board does not take these matters lightly and cannot responsibly attempt to settle these matters without counsel.

Board Member Items:

Theresa Notes:

Theresa brought forth that for some time members of the Board have been discussing a way to allow members to speak to the Board about issues and in a conversation with Ladene, the idea of quarterly member meetings was discussed. These meetings would have a short board meeting to start, then approximately 20 minutes for members who have signed up to talk or ask questions. Topics and questions must be presented ahead of the meeting so that the Board may schedule out the proper time. These meetings would be held to the code of conduct--a document that can be found on the website-- with members given 3 minutes of time. The Code of Conduct will be sent out with a minutes distribution and must be signed before admittance into the meeting. John and Bruce were asked if they thought this was a good idea and they both agreed. It was set to be planned with one Member Meeting before the August Annual Member Meeting, then quarterly from there on out.

Ladene Notes:

Adding 8.1 to the fine schedule:

Ladene brought up that in her research on the rules and regulations and the fine schedule attached to those that the CC&R 8.1 had been left off the fine schedule, much to her surprise. She wished for the Board to think about where that section would be classified out of the three fine classifications. The discussion turned to the rules that were later to be presented on the section that are based in CC&R 4.1 which states that the Board has full responsibility for the HOA owned properties as well as being referenced for enforcement in 8.1 and 8.2. Theresa felt that the fines should be based on offense instead of a set amount. Ladene suggested that one of the main reasons for the fine schedule is to keep randomness out of enforcement and that 'reasonable fine' as is stated in 8.1 is too vague. She suggested that each rule in the proposed new rules for the HOA owned properties could fall under a different category of the fine schedule. As there was some confusion around this item, it was moved until questions could be asked of the attorney and Directors could do some further discussion.

Member Meeting Planning:

Ladene asked about starting to plan the Annual Meeting. There are 3 and possibly up to 4 positions open on the Board, and she wondered when was a good time to start reminding people that there needs to be applications (a statement on why they wish to run for the Board and what qualifications they believe they have) received in time for ballots to go out by USPS and be returned. There was much discussion on the timings required for notification of the Annual Meeting as well—no sooner than 30 days before and no later than 15 days. It was tabled to a future

meeting. Also noted was that if the meeting was to be at the Fire Station again, it would need to be scheduled with the Fire Department. The plan was to discuss with Steve Baumgarte.

Bruce Notes:

The Ditch Report/Steve Davis rocks need:

Bruce reported meeting and conversation with member Steve Davis, who is our current road expert due to his experience in the field, about care of the ditches. He learned about the importance of vegetation both beside and in the ditches to slow water flow and keep the ditches from eroding. Steve believes that while there are always areas to be watched, the ditches are in good shape and improving, much due to the additions of check dams. These dams both slow water and hold debris allowing for buildup that promotes vegetation growth. He also has noted that the curb added helped the ditch from side erosion. Steve is always in need of rocks for these dams and it would be helpful if any members have rocks from their yard or leftovers from landscaping, they can contact Steve or a Board Member to give them to him for use in our ditches.

David Notes:

N/A

John Notes:

N/A

Reports from Committee:

DRC Rules Working Group/Theresa:

Theresa let us know that the group continues to meet. And that the DRC does not really have anything open except roof replacements that are like for like.

Anyone interested in participating should contact Theresa.

Rules and Regulations Team/Ladene:

There was a section on the agenda for Community Standards, but Ladene passed on presenting them as her committee has discussed the addition of a document on fire safety and that has not yet been completed.

Ladene presented two sets of rules for disbursement to the community for comment.

The first is the set of rules from above based on the responsibility of the Board of Directors for the maintenance of the HOA owned properties including the roads, the common areas, and the storm drainage system that includes the ditches.

4.1 (8.1, 8.2)*: The Hills of Neskowin Homeowners Association property extends 30ft from the center pin of the private ways (Pacific Overlook, Surf View, Whale Watch), for a total of 60ft wide. The Cul-de-sacs are larger; please see survey maps. This is not an easement; this is the extent of HON HOA property, is in part sections of the storm drainage system and is governed by the Board of Directors.

It is understood that many owners prefer to maintain the area between their yard and the road. This benefits both the HOA by saving maintenance costs, and the homeowners by allowing for design control in front of their home.

1. Landscaping

- a. All landscaping on HOA properties is subject to maintenance by the HOA.
- b. Landscaping is defined as small plants and shrubs. Any plantings on HOA property that will grow beyond 4' in height, as well as any hardscape, must be approved by the Board of Directors.
- c. The owner and any subsequent owners assume responsibility for maintenance of all landscape improvements.
- d. Landscaping must not affect the stability of ditches or roadside or road itself.
- e. Lots without a ditch between the lot and the private way.
 - Landscaping on HOA property for non-ditch lots is allowed to within 12" of the pavement edge.
- f. Lots with a ditch between the lot and the private way.
 - All changes to HOA owned properties on these lots must be approved by the Board.

2. Unapproved changes or damage to HOA property through the actions of the owner or contracted proxies of the owner will be removed or repaired at the owner's expense. This includes immediate actions, such as destruction of the ditch or roadside integrity, accidents, weather or unapproved changes, as well as longer term issues, such as erosion due to modifications of drainage systems, landscaping updates or structural repairs or changes. (8.1)

3. Driveways and culverts are installed, maintained, and the sole responsibility of the lot owner. (8.1, 8.2)

- a. Changes to the portion of driveways on HOA property must be approved by the Board of Directors.
- b. Damage from driveway drainage to the road, ditches or roadside are the responsibility of the lot owner.

4. No application of herbicides or pesticides on this property without prior written authorization from the Board of Directors.

And the following:

5.8 Rubbish and Trash

1. Rubbish and trash scattered by wildlife, contractors, weather caused issues, or accidents shall be removed by the homeowner:
 - a. Same day
 - b. All visible non-degradable trash
 - c. All degradable matter removed from roadway and ditches and to include a good faith attempt to remove staining on roadway
2. Trash containers may be put out the day before pickup and shall be removed within 36 hours of pickup.
 - d. Wildlife proof cans are encouraged

For reference:

5.8 Rubbish and Trash. No Lot, roadway, or part of the Common Area shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate sanitary containers for proper disposal and out of public view. Yard rakings, dirt and other material resulting from landscaping work shall not be dumped onto the Common Area or roadways. A reasonably sized compost area shall be permitted as long as it is not offensive to other Owners.

Motion to allow distribution of the proposed rules made and seconded.

Directors in Attendance. All in Favor.

Anyone interested in joining the Rules and Regulations team should contact Ladene.

Old Business:

Lot 53 BOLI Complaint:

The HOA Attorney has written and sent back a response for the HOA. We have not heard back from the Oregon Bureau of Labor and Industry.

Next meeting: Thursday, May 1, 2025 at 3pm

Meeting closed at 6:43pm by Theresa, President

Minutes provided by Ladene Culp, HON HOA Board Secretary.

*CC&Rs referenced:

4.1 Maintenance. The Association, through its board of directors, shall maintain or provide for the reasonable maintenance of the Common Area, Private Ways, storm drainage system and all improvements thereon to the extent that budgeted funds allow. (See also Article VII of the Bylaws of the HON HOA.)

ENFORCEMENT

8.1 Use of Common Area and Private Ways. In the event any Owner shall violate any provision of these covenants, the Bylaws of the Association or other rules adopted by the Association governing the use of Private Ways, Common Area and facilities thereon, then the Association, acting through its board of directors, shall notify the Owner in writing that the violations or nuisances exist and that he is responsible for them, and may (a) notify the Owner in writing that his voting rights and right to use the Common Area are suspended and that the duration of such suspension shall continue for the period that the violations or nuisances remain unabated, or for any period not to exceed one (1) year for any infraction of its rules and regulations; (b) after hearing and opportunity to be heard, impose reasonable fines upon the Owner, as such fines may be provided for in the bylaws and rules of the Association; or may do both. Such fines shall be paid to the Association. Nothing in this section, however, shall give the Association the right to deprive any Owner of access to and from his Lot.

8.2 Non-qualifying Improvements and Violation of Use Restrictions. In the event any Owner constructs or permits to be constructed on his Lot an improvement contrary to the provisions of these covenants or the Design Review Rules, or causes or permits any improvement, activity, condition or nuisance contrary to the provisions of these covenants or The Hills of Neskowin Rules and Regulations to remain uncorrected or unabated on his Lot, then the association acting through its board of directors or Design Review shall notify the Owner in writing of any such specific violations of these covenants and shall require the Owner to remedy or abate the same in order to bring his Lot, the improvements thereon and his use thereof, in conformance with these covenants. If the Owner is unable, unwilling or refuses to comply with the Association's or Design Review's specific directives for remedy or abatement, or the Owner and the association or committee cannot agree to a mutually acceptable solution within the

framework and intent of these covenants, within fourteen (14) days of the written notice to the Owner, then the association acting through its board of directors or Design Review, shall have the right to:

- (a) Impose reasonable fines against such Owner in the manner and amount it deems appropriate in relation to the violation;
- (b) Enter the offending Lot and remove the cause of such violation or alter, repair or change the item which is in violation of these covenants in such a manner as to make it conform thereto, in which case the association or Design Review may assess such Owner for the entire cost of the work done, which amount shall be payable to the Association; and
- (c) Bring suit or action against the Owner on behalf of the association and other owners to enforce these covenants.