

**Forster Woods Homeowners Association  
(FWHOA)**

**Annual Meeting Minutes**

**September 27, 2017**

- Owners in attendance = 54
  - Via proxy 25
  - Total participation = 77
- Meeting called to order at 6:08 PM
- Board Members, Jason Gram, Jean Hoedl and Bill Stovall present
  - FWHOA Manager Dennis Howard present
  - FWHOA Attorney Greg Cromwell present
- 2016 Annual Meeting Minutes were approved as submitted
- Treasurer's Report showed a balance thru September 18, 2017 of \$31,651.71. The reserve account had a balance of \$1,547.33
- The 2017 budget was reviewed showing the expenditures through August 2017. The current balance in the legal line item was discussed indicating there will be expenses more than the budgeted line item of \$35,000 due to the current negotiations with the City of North Bend over the sidewalks and trees and the damage caused by growing tree roots. The final expense for this line item will depend upon any legal actions taken by FWHOA in pursuing a resolution of the sidewalks and trees and tree root damage.

The other landscape line item has exceeded the budgeted amount due to an increase in the need for fallen and diseased tree removal.

It was noted the detention pond line item will exceed the budgeted amount due to remaining engineering work yet to be completed for the determination of what will be recommended to stabilize and improve the functioning and reliability of the detention ponds. This is a continuing project from 2016.

- The FWHOA website has been redesigned. Owners were encouraged to use the website to view current events on various topics and participate in community communication. Due to security and privacy concerns owners are asked to register at [www.fwhoa.com](http://www.fwhoa.com) for access to financial information. This site is public so the Board, upon advice of attorney Cromwell, has determined the FWHOA financial information should be limited only to owner access.
- Activities Committee discussed the egg hunt and picnic. Due to budget constraints the expenditures for these items are less than in previous years. The owners in attendance indicated interest in continuing these activities. Additional volunteers were requested to work with current committee members to keep these activities viable.
- It was noted there have been an unusually high number of home sales and, thus, many new owners this year. There are an additional eight sales that will be closing later this year.
- The Reserve Study, the annual review of reserve item expenses by an independent reserve study company (Association Reserves), was discussed. The annual study recommends expenditures on various items such as fence repairs, bridge refurbishment, new mailboxes, etc. Due to budget constraints no reserve items were accomplished this year. There are no immediate major reserve projects planned for this year or 2018. It is necessary to replenish funding for the reserve account to allow for future reserve project funding.
- Mediation with the City for resolution of sidewalk repairs and tree removal along Forster Blvd and SW 10<sup>th</sup> Street was unsuccessful. The City was unwilling to accept or propose a resolution to these matters, saying they are the responsibility of Forster Woods. In fact, the City continues to deny it has any legal obligations regarding these items. It still maintains that the agreement between it and the developer, which says the City owns and is obligated to maintain the sidewalks and trees, is invalid and has been superseded by a later enacted City ordinance. The Board's position and that of our attorney is the sidewalks and trees are a City responsibility.

- Various options for responding to the City's position on these two matters were discussed with the following suggestions:
  - Write to the City Council and City Manager about any incidents such as falls and injuries due to sidewalk upheaval;
  - The Board will design a form with instructions for owners to use in contacting the City about any injuries sustained due to sidewalk conditions and post to [www.fwhoa.com](http://www.fwhoa.com) under Notes and Updates;
  - Owners should attend City Council meetings to voice concern about the condition of sidewalks and the resulting tree root damage and ask the City to do its job in repairing and maintaining these items;
  - Owners can send letters to the editor of the local newspaper calling attention to this situation;
  - Convene a town meeting to consider these dangerous conditions and possible violations of the ADA (American Disabilities Act) affecting individuals with physical disabilities ability to navigate the sidewalks. This could involve seeking ideas from the Forster Woods community, thus making this matter as public as possible;
  - Seek a declaratory judgment action in Superior Court asking for a court order to compel the City to repair and otherwise remediate the sidewalk and tree root situation. The cost of such an action would likely be between \$20,000 to \$30,000. This action would pressure the City to participate in a legal resolution of this situation. Perhaps a litigation firm should be employed to handle this potential litigation;
  - Consider HOA removing the trees at less expense than court action, rather than risking losing a judgment action and being forced to pay our attorney plus the city legal fees (losing party pays winning party legal fees);
  - The HOA could just walk away from the matter and do nothing. If the HOA remedies the situation it could be argued that it is assuming ownership or responsibility for the condition of the sidewalks and trees, which could result in legal problems for the HOA; an owner suggested that a declaratory judgment is not a protection;
  - A motion was made and seconded for the HOA to do nothing further on the issue of sidewalks and trees and to not seek a declaratory judgment action. The motion passed 43 to 1.

- The HOA attorney and association manager will review the HOA insurance policy to ascertain whether liability coverage is provided for injuries related to sidewalk injuries.
- The status of the engineering report on the condition of the detention ponds and any recommended repairs and remediation was discussed:
  - HOA owns the ponds;
  - The history of ownership was discussed. At one time the City had ownership and the HOA agreed to take ownership; (this was during the time the developer controlled the HOA);
  - Some owners suggested the ponds are fine and should be left alone;
  - Some owners suggested engineering recommendations, when completed, should be studied to determine if anything should be done to make the ponds as safe as possible, thus making the HOA more proactive in mitigating any potential future liability by performing due diligence maintenance on the ponds, demonstrating responsible actions by the HOA;
  - It was pointed out the HOA has already received a preliminary report and the City (the work permit authority) has reviewed and proposed changes to the preliminary engineering report and has asked for more detailed information from the engineer;
  - It was pointed out that the City has told the HOA that if the ponds fail the shopping area around Safeway would be flooded. This was disputed by some owners;
  - Several suggested courses of action revolved around completing the engineering report and not sharing the results with the City as it was felt there is no obligation to share this report with the City;
  - Motions were made and seconded to not share the final engineering report with the City and to do nothing further on the ponds (except to perhaps do enough so they were brought back into a condition that complies with the Codes existing at the time they were built, in order to minimize risk of liability. The motions passed unanimously.
  - It was suggested the ponds be cleaned twice a year to minimize plant growth on the banks and as much as possible in the pond water. Another vendor will be consulted to compare costs and services the HOA currently receives in its annual detention pond maintenance.

- It was suggested electronic speed limit signs warning motorists of their excessive speed should be positioned on SW 10<sup>th</sup> St where most fast driving seems to occur. Law enforcement will be contacted to arrange for this community service at no cost to the HOA.
- It was suggested CCR enforcement could be more effective. If violations occur, please inform the manager. We have a large community and not everything is easily observed, especially behind homes, etc.
  - The Board will be revising the HOA rules, including increasing fine amounts. The revised rules will be posted at [www.fwhoa.com](http://www.fwhoa.com), Governing Docs, Rules & Regulations.
- Some owners have observed landscapers blowing leaves into the greenbelt and not removing them from the property. The landscaper will be contacted and informed to not continue this action.
- It was requested the Upper Park Sport Court be power washed. This will be accomplished.
- Election of a Board of Director position. Jason Gram's position is due for election. He agreed to serve another term. There were no additional nominees. Jason was unanimously re-elected to a three-year term.
- Meeting adjourned at 7:45 PM