

**Highlands Board of Directors Monthly Meeting  
September 8th, 2021, at 6:30 PM Zoom Conference Call  
Minutes**

**1. Call to order at 6:30pm**

- a. Board Members Present (Quorum): Wayne, Sue, Claudia

Units present: 421 (guest), 311, 133, 134, 140, 427, 205, 105, 145, 426, 153, 224, 308, 425, 117, 109, 208, 155.

- b. Proof of Notice of Meeting or Waiver of Notice

**2. Safety & Security**

Presentation – Safety Committee (Guest: Glenn)

The committee is continuing to monitor red flag warnings, and is collecting names, unit numbers, email addresses, and phone numbers of people willing to serve as block captains. The committee is examining evacuation routes. Tasks are limited to emergency procedures as of now. Block captains are not asked to serve as neighborhood watch.

Sue thanked the committee for doing a great job.

The safety committee was asked to develop an evacuation policy and submit it to the board.

**Additional safety issues:**

- Hoses for Fire Preparedness – Claudia

Claudia proposed that the committee explore the feasibility of (a) ensuring that all hose bibbs on the back of building are functional, and (b) investing in hoses to be attached to those bibbs to cover a 30-foot radius around each building. This might allow us to quickly respond to small grass fires. Sue asked about the cost of faucet handles.

- Ridgeline Trail Fire Danger report to Parks and Open Spaces—Claudia

A shelter constructed out of dry branches and located above Treehill might represent a fire hazard. Recently, two individuals were seen smoking marijuana inside the shelter. Reports to Eugene Parks and Open Spaces have not resulted in follow-up action. Claudia inquired if the committee might be willing to contact city personnel for further inquiry.

- Fireplace Inspections – Wayne

Our current insurance requires that everyone unit that is going to use their fireplace needs to have it inspected. If the fireplace is legally closed off, there is no need to inspect. If you are planning on using your fireplace, please plan to have it inspected this year. Mark documents all inspections. Nationwide has given us a big break by allowing us to inspect only when using.

If there is a complaint about a fireplace being used without having been inspected, we will implement the fine structure.

Given that the bylaws call for inspection every other year, we will develop a draft resolution to change the bylaws.

- **Results of HOA Camera Test – Mark**

Background (Wayne). In 2009, the Highlands experienced a lot of car break-ins. At that time, the Board passed a resolution to increase security by requiring everyone to register their car and by fining owners for leaving personal items in their cars. That resolution was difficult to implement, because some people do not give their license plate. The board and maintenance staff are very aware of the break-ins we had in the past 2 years. Mark sent out multiple emails that we might be a target because people left possessions in their cars. Proposed approaches to enhancing safety included a security gate (approx. \$1500) and cameras placed at the entrance to the property. Last year's camera committee recommended to test a wireless camera.

Test results (Mark). The camera was placed at the first speed bump. It was a hardwired system (driven by a generator during the test) that send a signal to a neighborhood location (Sue's unit). The clarity of video was diminished during signal transfer, and seemed not sufficiently reliable to capture license plates. The cost of the camera is \$400. Getting power to the location might cost \$1200-1500. The camera was returned to the manufacturer after the test.

A Eugene police community safety officer (Janine Rager) recommended 4K resolution to capture detail useful to the police. To operate a camera independent of an owner's willingness to share their modem and to produce usable data, we would need to put the camera system into a separate security building with separate routers and cloud service. A still camera with reduced bandwidth need could be wired into the lightpole. HOA could be liable for camera malfunction, as well as signs merely placed for deterrence.

- **Motion Lights, Security Gate**

Motion lights installed on breezeways might provide added protection. Costs could be \$200-300/light. With 2 lights per building, total cost might be \$6400-9600.

A security gate would generate a record of who goes in and out of our property. Our open grounds offer multiple access points. However, thieves are likely to access the property by car. A gate could be kept open during the day, closed at night, card activated, key pad activated, or clicker operated. It could be combined with a camera. Placement might be necessary at the Willamette/Stonewood intersection.

Mark will further explore costs associated with a security gate and report back to the board.

- **Owner Request for Installation of Personal Cameras in Common Areas**

An owner requested to place a camera above their kitchen window to watch their entrance, and in the corner of one of the carports, which would capture their car and two neighbors' cars. The current neighbors provided permission and offered to do so in writing.

Concerns regarding privacy, police capacity to respond, neighbor turn-over, and signed waivers were raised. Cameras placed on private property (inside unit or car) would not hold the HOA accountable for privacy violations. Owners should be apprised of the law prior to signing waivers. Video doorbells are one approach to protect entrances. Because the video camera is on the front deck (shared space), HOA approval is required. Cameras placed on shared property (e.g., carport, breezeway) could be battery driven and connected to cloud storage.

**Motion (Sue):** Motion to allow homeowners to install video-only doorbells at their cost by their entrance.

Claudia: second

**Vote:** Claudia, Sue: in favor

**Motion passes.**

Sandi will look into cost, feasibility, and testing of a car security camera. Depending on cost, HOA can reimburse expenditures.

### 3. Approval of Minutes (5 minutes)

**Motion (Claudia):** Motion to approve minutes.

**Vote:** Claudia, Sue: Approve

**Motion passes.**

### 4. Officer/Committee/Property Manager Reports (5 minutes each):

#### a. Finance/Treasurer – Wayne

Two units were 3 months in arrears. We collected on one and sent a demand letter to the other unit. The August financial report is not yet available.

Directors and Officers Liability Insurance: We have until 10/26 to bind the insurance. Insurance is similar to last year, no increase in cost. Our cyber vulnerability remains small. Wayne asked if the finance committee has an interest in reviewing the costs.

Annual Financial Review will occur within the next months.

Merry Maids have been cleaning the laundry rooms twice a month. Kirk will take on this task. Wayne suggested terminating their services as of 9/30.

**Motion (Sue):** Motion to cancel Merry Maids Service as of Sept 30.

Claudia: second

**Vote:** Claudia, Sue: in favor

**Motion passes.**

Mark will contact Merry Maids to terminate their services.

#### b. Manager - Mark Campbell

In Aug we wrapped up work on rear decks. Roofs will be finished in the spring (4 buildings on Treehill). Catwalks are highest safety concern. Because of high cedar wood costs, we are replacing the bolts, cleats and steps (treated wood) first. 425-432 is finished. Greg had already completed high risk areas. The entire project might cost \$29,000. Cedar prices will determine next steps. We have allocated \$67,000 to catwalk repair.

Due to an increase in rodent activity, we put more traps out and are catching more mice and rats. One owner expressed concerns about liability in case staff is bitten. Mark indicated that the risk is small. We use a professional company to spray for ants.

### **c. Rules & Regulations – Claudia**

We received feedback from two owners: The first owner questioned the inclusion of motorcycles in parking violations and asked for greater specifics on what type of trucks should fall under the parking violation rule. The owner also commented that noisy pets should be included in the fine structure.

The second owner's feedback was more global and generally warned against enforcing "such a sloppily thought out set of regulations." The owner's concerns included "lack of definitions," "arbitrary and capricious" decisions by the board, and the threat of lawsuit. The owner did not acknowledge that the documents state that (a) the board will engage in dialogue to find mutually agreeable solutions, (b) owners have the right to challenge a warning if they feel it is not justified, and (c) if dialogue fails, mediation will be offered before legal action as a last resort.

Claudia and Lisa will review the owners' feedback and propose changes to the documents to the board.

### **d. Beautification & Grounds – Claudia**

Wayne and Claudia removed deadwood from the east end of Treehill and above upper Stonewood. More debris remains to be removed from the areas east of the 125-132 building, above upper Stonewood, behind the Rec Center, and east of the first building on Woodcutter.

A "No Trespassing" sign was installed on upper Stonewood.

An owner expressed their appreciation. Sue thanked the beautification team and reported that lots of people appreciate the work.

## **5. Unfinished Business:**

### **Owner Request for Inspection in "Joist Space" Between 2 Flats**

There are ongoing noise issues in a lower flat. The owner suspects that deteriorated joists are responsible for the noise and pose a safety risk. Because the HOA is responsible for maintaining the joists as originally constructed, the Board encouraged the owner to inspect at their cost and produce evidence of a structural problem (see May 2021 minutes). The owner provided a letter from Branch Engineering to the Board on July 22, 2021. The report's findings were based on noise recordings provided by the owner, flex in the ceiling demonstrated by the owner, photographs of "limited portions of the floor/ceiling cavity" above the unit provided by the owner, and visual inspection of the crawl space below the flat performed by the inspector, assuming that the joists of the lower flat are constructed similarly to the joists of the upper flat. The report was not

based on visual inspection of the joists between the flats. The letter speculated that the following might cause the noise: (a) deteriorated metallic venting, (b) “framing flexing against the metal can of a recessed light fixture,” or (c) a “loose or broken metallic hanger supporting a floor joist or beam”. The letter did not mention wiring of ceiling heat as a potential source of the noise. The letter recommended further visual inspection through the floor of the upper unit so as not to “disrupt any fire resistance the ceiling may have.” The owner requested that the HOA conduct this visual inspection by opening up the floor of the upper unit.

The letter did not appear to satisfy the Board’s previous request for a visual inspection of the joist space between the flats, but rather provided a professional opinion of possible causes for the noise. Based on our CC & Rs (Article XIII, section 2 “Right of Entry”), “[a] unit owner shall grant the right of entry to the Board of Directors....in the case of any emergency originating in or threatening his unit or other condominium property, whether or not the owner is present at the time. A unit owner shall also permit such persons to enter his unit for the purpose of performing installations, alterations, or repairs to any common element and for the purpose of inspection to verify that the unit owner is complying with the restrictions and requirements described in this Declaration and the Bylaws [...]” It appears that without visual evidence of damage to a common element, the Board has no right to enter the upper flat to conduct an invasive inspection based on speculation.

There was no motion to act. Instead, the previous request to furnish visual evidence of the damaged common elements necessary to enter the upper unit is still in effect. This visual inspection could be performed through removing portions of the ceiling of the lower flat. If the owner opens up the ceiling for visual inspection the HOA would like to be involved in the inspection.

When Claudia asked if the owner would be willing to conduct this visual inspection through the ceiling, the owner indicated that they are not willing to do so based on safety concerns.

### **Laundry Proposals & Maintenance Services—tabled**

#### **Owner Records Request for Legal Consultation**

An owner requested access to legal opinions and invoices based on their interpretation of ORS100.480, paragraphs 2 and 9. Any correspondence with the HOA attorney is covered by attorney-client privilege. Any conversations over legal matters or future litigations is also protected. The board can share redacted lawyer invoices reflecting the number of hours billed and associated costs.

Another owner disagreed and insisted that all owners are the client of our attorney, and that the chair runs the HOA “like a secret society.”

Another owner stated that-based on their experience with another condo association in California, the HOA lawyer did not allowed owners, and even board members, access to the records.

There was no motion to release records.

### **Posting Information on Public Website/Webpage review—tabled**

## **Recycling Project – Wayne—tabled**

### **6. New Business:**

#### **Filling Board Positions outside of Elections**

An owner questioned the Board's authority to fill positions outside of an election. The Board is allowed to vote on replacement to fill the term of a member who left.

#### **Date for Pool Closure**

The pool will close on September 20. Mark will oversee the pool closure.

### **7. Community Open Forum for Items Not on the Agenda**

Given our rule that checks over \$1000 have to be signed by 2 people, one owner questioned who is second signatory. This rule is an internal policy, since our bank does not honor a second signature. Because no one on the board stepped forward to assume the role of treasurer after the last election, Wayne currently functions as chair and treasurer. In her role as assistant treasurer, Lisa has been encouraged to get signature authority with the bank. This process has not yet been completed. Lisa has reviewed and approved payments over \$1000.

### **8. Next Board Meeting: October 13th, 6:30 pm**

### **9. Adjournment: 9:43p**

### **10. Executive Session (Board only)—cancelled**