

OCHL - 12 HOMEOWNERS ASSOCIATION

BOARD OF DIRECTORS & OFFICERS MEETING MINUTES

Officers and Board Members: Dani Folsom, President; Joe Rystrom, Vice President; MaryLynn Birney, Treasurer; Ahmed ASH Hussain, Secretary; Carol Tento, Member-At-Large.

Wednesday, October 2, 2024

Board Members in Attendance: Dani Folsom, MaryLynn Birney, Carol Tento, Joe Rystrom

Others in Attendance: Mark Powers, Michael McMillan

Meeting called to order at 6:48 PM by President Folsom

Approval of Minutes: Board Minutes for September 4, 2024 are APPROVED.

OLD BUSINESS:

1. Solar Issue

04/18/2023 Board voted to approve to send McNulty fine imposition 30-day notice to submit an ACC application in accordance with HOA solar panel policy in order to avoid the imposition of fines and other action. The 30-day notice will go out via first class, as well as a separate certified mail.

UPDATE 02/07/2024 Solar arbitration case is still pending. Date for the arbitration to be determined.

UPDATE 06/05/2024 Folsom has submitted additional documentation, per request from HOA legal.

UPDATE 08/07/2024 HOA officers provided depositions July 24-25.

UPDATE 10/02/2024

Solar Panel Policy Arbitration Final Judgement

- 1) The judge awarded the right to keep the homeowner's solar panel policies in place since an ACC application was given to the homeowner by a prior ACC member to fill out after the solar panels were installed. This gesture to provide an ACC application triggered a new 30-day notification period which was not responded to within that 30-day timeline due to an ongoing effort to put a solar panel policy in place and the resignation of key ACC and Board members during that time. Of note, this is the only house that will be grandfathered into this judgement. All other solar panel policy applications will follow the new HOA Solar Panel Policy.

- 2) The judge awarded attorney fees to each party since the Solar Panel policy approved by the HOA Board was not in conflict of current WA State solar panel policies. The financial exposure to the HOA for legal fees was \$1,000 since we had HOA insurance covering our legal expense.
- 3) The 5th Amendment of our CC&Rs which covered the new proposed HOA Solar Panel Policy was declared invalid since it was not approved by a majority of homeowners (89 homeowners was the minimum requirement for a majority vote). This Solar Panel policy is up for revote in conjunction with our upcoming 2024 Annual HOA meeting.

STATUS: CLOSED

2. Annual Meeting

06/05/2024 Discussed potential increase in dues, and other related changes. The ACC is working on updating some of the CCRs and view policy. Discussed need for additional clarification on HOA's view policy, and would be best to appoint a chair of subcommittee to look into that. Member Kevin Harrison volunteered to fill that role. Motion was made by Birney to appoint Kevin Harrison to chair a subcommittee to evaluate the current view policy. Seconded by Tendo. PASSED.

Annual meeting potentially scheduled for October.

07/03/2024 Discussion of future due range targets with increased costs and potential capital projects.

UPDATE 08/07/2024 Annual meeting target for first week of November.

UPDATE 09/04/2024 Discussed annual meeting date, and times, and agreed on Wednesday, November 13, 7 PM. Motion by Rystrom to hold convene annual meeting on Wednesday, November 13, 7 PM at Rosehill Community Center, Mukilteo. Seconded by Birney. PASSED. Team will start working on agenda, notifications and other planning.

UPDATE 10/02/2024 Discussion lead by Folsom to incorporate the most recent adopted Policies by the Board, to add those policies to the CC&Rs. To include:

- 1) Expand the ACC Team from 5 to 7 positions to better balance the management of the HOA
 - 2) Add a process for handling homeowner ACC Submission of Plans application that expands the response time, assesses a penalty if the homeowner does not comply with the ACC final determination within 30 days of such ACC final determination.
 - 3) Prohibit the building of Accessory Dwelling Units (ADU's) on existing Homeowner's lots.
 - 4) Add detailed Window Policy to the CC&R's.
 - 5) Add detailed Solar Panel Policy to the CC&R's.
- The Board also discussed adding two additional CCRs, with number seven (7) recommended by the ACC.
- 6) Transfer all reasonable attorney fees and arbitration fees to the Prevailing Party if Arbitration is pursued by any Party.

7) Add a new fine for view obstruction violation(s) which Homeowner has not resolved after the ACC has sent written notification to Homeowner and a hearing has taken place between the ACC and Homeowner.

After additional discussion, motion by Folsom to place the following CC&Rs on the 2024 ballot:

- 1) Expand the ACC Team from 5 to 7 positions to better balance the management of the HOA
- 2) Add a process for handling homeowner ACC Submission of Plans application that expands the response time, assesses a penalty if the homeowner does not comply with the ACC final determination within 30 days of such ACC final determination.
- 3) Prohibit the building of Accessory Dwelling Units (ADU's) on existing Homeowner's lots.
- 4) Add detailed Window Policy to the CC&R's.
- 5) Add detailed Solar Panel Policy to the CC&R's.

The Board also discussed adding two additional CCRs, with number seven (7) recommended by the ACC.

6) Transfer all reasonable attorney fees and arbitration fees to the Prevailing Party if Arbitration is pursued by any Party.

7) Add a new fine for view obstruction violation(s) which Homeowner has not resolved after the ACC has sent written notification to Homeowner and a hearing has taken place between the ACC and Homeowner.

Seconded by Rystrom. PASSED. Team will compose letter and ballots, and hand-distribute owner occupied, and mail absentee home owners.

STATUS: OPEN

3. View Subcommittee

07/03/2024 Motion made by Birney to change appointment of chair of view subcommittee from Kevin Harrison to Dani Folsom. Kevin Harrison and Sean Wiegand volunteered to be on view subcommittee and nominated for appointment. Seconded by Rystrom. PASSED.

STATUS: OPEN

4. Bayview Playground

08/07/2024 The ACC is requesting a new swing set for Bayview Park., as old set was deteriorated and had safety issues. Motion by Rystrom to award the purchase and installation of a new 3 bay swing in Bayview Park to GameTime - Great Western Recreation: Swingset \$8,088.00; Freight - \$2,208.23, Tax - \$1,060.00. Seconded by Birney. PASSED. Agreement with Windward Bluff contributes 20%.

STATUS: OPEN

NEW BUSINESS:

Discussion lead by Folsom update language in the Application for Approval of Improvements. The ACC discussed: Add language for how applications received after project initiation or completion would be handled; adding another box to designate that additional information from the homeowner was requested in order to consider approval of the project; add language that all ACC responses to the homeowner ACC application would be sent to the homeowner via email. However, a homeowner could also check a box to have that same response mailed via US mail as well as by email. Motion by Folsom to adopt the following changes to the Application for Approval of Improvements.

1. Add language for how applications received after project initiation or completion would be handled.
2. Add another box to designate that additional information from the homeowner was requested in order to consider approval of the project.
3. Add language that all ACC responses to the homeowner ACC application would be sent to the homeowner via email. However, a homeowner could also check a box to have that same response mailed via US mail as well as by email.

Seconded by Birney. PASSED. Folsom will have the changes made and uploaded to the HOA website when completed.

COMMITTEE REPORTS

Architectural Control Committee (ACC) Report

See October 2024 ACC minutes

Treasurer's Report

- Financial reports were provided in advance of the meeting.

Meeting adjourned at 8:05 PM by President Folsom.