

Minutes
October 2020 East Bluff Board Meeting
Chaired by President Nancy Michalski

Tuesday, October 27
6-7:30pm

Present: Nancy, Liam, Jeff, Tina
Started: **6:08 pm**

1. Approval of last month's minutes (11 minutes)
2. Homeowner concerns (2 minutes)
 - a. Reported issue with feral cat and kittens in the #206 area. Cat has been caught. Kittens need to be caught. Maintenance staff are working on it.
 - b. Trees replaced. A resident suggests replacing these with red maple or ones that turn red in winter. Will look to add more color with the next replacement. We don't have money to replace ones that are already planted
3. Maintenance report by Kris Krueger (5 minutes)
 - a. We have had 3 water main breaks since the middle of August which resulted in an extraordinary amount of excavating with heavy equipment. Third water main break to fix cost approximately \$15,000. It has become necessary to make the cleanup and re-landscaping a major priority through the month of November. In addition, we are still working on fall clean-up. The leaves are coming off the trees late this season but we will remove all that we can before snowfall. We will also be cleaning gutters.
 - b. We have been getting equipment ready for snow removal. We will not be using the tractor for plowing unless it's absolutely necessary. Instead we will be using snowblowers. The snowblowers should allow us to remove snow from between cars when homeowners do not move them as required.
 - c. The staff have replaced the original security cameras with the better cameras with the wider scope.
 - d. Kris has been assembling prices and bids for next year's budget and will have this completed by the end of November.
4. Treasurer's report (15 minutes)
 - a. Review of budget
 - b. Unpaid fees and checkbook balance as of 10/25/2020
 - c. Clarification on the source of the unpaid homeowners fees. Comparing Sept. 20 to Oct 20 shows \$6k increase in one month. Comparing Sept 19 to Oct 19 shows \$27k increase in one month. Recording errors?
 - d. Discuss where the checking account balance is coming from. The balance as of 10/23/20 was \$70,193 according to the bank. Does the number provided come from QuickBooks. If so, why the large difference?

Unpaid Homeowner's Fees	\$1 - \$500	\$500 - \$999	\$1,000 +	TOTALS
As of 10/25/2020	\$3,010	\$3,370	\$14,818	\$21,198

October 2019 (based on notes from October 2019 meeting minutes)	\$29,319	\$1,930	\$1,576	\$32,825
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Checkbook balance	\$83,201
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5. Old Business (40 minutes)
 - a. Continue discussion of meeting minute content. Official vs public. Removal of names, and litigation worthy, watch wording, estimated time of completion, etc. Will work on for next month's meeting minutes.
 - b. Roles and duties of board members. Review samples sent by Liam. Each board member should look at and have examples/suggestions ready by the next meeting. The President has final say. Everything Kris does should have a board person back up.
 - c. This will be the last discussion item and will be continued into the next meeting as needed. See info provided by Liam at the end of the agenda.
6. New Business (30 minutes)
 - a. Add rule/policy concerning security camera use. Review draft prepared by at the end of the agenda. Discussion of review draft continues
 - b. Begin thinking about the March 2021 homeowners meeting. Can we have it? If not, what do we do? Requirements by law/bylaw? Will need to look at how to update bylaws to address pandemic. Liam volunteers and will try to have it by the next meeting. Annual meeting: official word needs to go out by March 2nd.
7. Rules review – select rules for review and possible update for each meeting (5 minutes)
 - a. Select 1-2 rules for review and possible updates for next session. Send possible rules to review at request of agenda items. Next up: key for water main owners
 - b. Goal is to review all rules to clarify/update as needed. For example – The rule related to parking says cars must be licensed, does not say it has to be current. This has been an issue recently with a homeowner's car with expired plates. He has no plans to renew them but keeps the car in the lot and it never moves.
8. Next month's newsletter (10 minutes)
 - a. Topics
9. Parking report (2 minutes)

October 2020	VERBAL WARNING	WRITTEN WARNING	TOWS
200's	1	2	0
300's	1	6	0
400's	1	4	1
500's	2	4	1

10. Adjourn open session: **7:41 pm**
11. Closed session if needed

Security Camera Policy

Purpose

The purpose of this policy is to provide guidelines for the use of security cameras on our property owned and/or utilized by the East Bluff Homeowners Association in a way that enhances security and aids law enforcement while respecting the privacy expectations of our homeowners, tenants and guests. Cameras will be primarily monitoring the parking lots with some common areas, including sidewalks and playgrounds.

The existence of this policy does not imply or guarantee that security cameras will be monitored in real time continuously or otherwise and does not guarantee video footage will be available to law enforcement if notice is not given in a timely manner, or due to mechanical failure or other issues beyond staff control.

Retention of Security Camera Recordings

Video footage will be available for a fourteen (14) day period.

Release of Recorded Material

Requests for release of recorded material must be approved by East Bluff or its representative. Homeowners requesting footage must submit a Security Camera Release Form and a Police Report/Case # to the East Bluff office (309 East Bluff), for approval. Provide as much detail as possible on the request form. Lack of information can impact the search results. Footage will be provided to law enforcement immediately upon request. East Bluff requires two (2) business days to obtain the footage for homeowners.

Roles of East Bluff Condominium Board Members
October 2020

As per East Bluff by-laws, Article IV:

<https://eastbluffcondos.files.wordpress.com/2016/03/eastbluff-bylaws1.pdf>

SECTION 4.PRESIDENT. The President shall be the chief executive officer of the Association and shall preside at all meetings of the Association and of the Board of Directors. The president shall have all the general powers and duties which are usually vested in the office of president of an Association, including, but not limited to the power to appoint committees from among the owners from time to time as the President may at his/her discretion decide is appropriate to assist in the conduct of the affairs of the Association.

SECTION 5.VICEPRESIDENT. The Vice President shall take the place of the President and perform his/her duties whenever the President shall be absent or unable to act. If neither the President nor the Vice President is able to act, the Board of Directors shall appoint some other member of the Board to **do so** on an interim basis. The Vice President shall also perform such other duties as shall from time to time be imposed upon him/her by the Board of Directors.

SECTION 6.SECRETARY. The Secretary shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the Association and shall have charge of such books and papers as the Board of Directors may direct and shall, in general, perform all the duties incident to the office of Secretary.

SECTION 7.TREASURER. The Treasurer shall have responsibility for Association funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. The Treasurer shall be responsible for the deposit of all moneys and other valuable effects in the name and to the credit, of the Association in such depositories as may from time to time be designated by the Board of Directors.

Revision of duties for clarity:

President

- Attend and participate at meetings
- Preside over meetings
- Appoint committees and delegate authority to them
- Create meeting agendas
- In urgent maintenance matters, coordinate with the Operations Manager when the entire board cannot be assembled
- Put contracts and orders into effect

Vice President

- Attend and participate at meetings
- Responsible for duties of President in their absence
- Chairman of appointed committees or special projects

Secretary

- Attend and participate at meetings
- Keeping accurate minutes at meetings
- Producing monthly newsletters
- Manage social media and digital records archive

Treasurer

- Attend and participate at meetings
- Keeping full and accurate accounts of all receipts and disbursements
- Responsible for the deposit of all moneys and other valuable effects
- Provide monthly updates on accounts and budgets

Member-at-Large

- Attend and participate at meetings

Duties to consider adding:

- Establish sound fiscal policies and maintain accurate records
- Act on budget items and determine assessment rates
- Establish, publicize, and enforce rules and penalties
- Authorize legal action against owners who do not comply with the rules
- Review local laws before passing rules or sending bylaws to membership for approval
- Select an attorney, an auditor, insurance agent and other professionals for the association
- Provide adequate insurance coverage, as required by the bylaws and local governmental agencies.
- Inform board members of all business items that require their vote
- Inform members of important board decisions and transactions
- See that the association is protected for the acts of all parties with fiscal responsibilities
- Communicate with residents
- Investigate inquiries regarding violations, maintenance and other pertinent issues
- Enforce penalties for violations
- Maintain corporate records
- Grant waivers, if applicable
- Enforce the bylaws and other governance documents
- Make decisions regarding litigation
- Manage tax responsibilities

Sources:

<https://cedarmanagementgroup.com/functions-of-an-hoa-board-of-directors/>

The position of **president** requires outstanding leadership and management skills. This does not mean he or she should make all of the decisions, but rather preside over meetings and make sure all members of the board have the opportunity to give their opinions and the decision that is made is done so only after appropriate discussion and with the best interests of the community in mind. He or she is also responsible for preparing meeting agendas and ensuring all important business is taken care of. As many associations are incorporated as non-for-profit corporations, the president is essentially the CEO and will sign all contracts and other legal documents pertaining to the association, and cosign all checks.

If the association has one, the **vice president** will act as a substitute for the president if he or she is unavailable as well as carry out any other duties that may be assigned to him or her. In many associations, the vice president is given the role of acting as a chairman or liaison of one or more committees.

The **secretary** is more than just the person who gives proper notice of meetings and takes the minutes during them. He or she works closely with the president to develop meeting agendas and is responsible for all association records such as homeowner information and maintenance history. These records must be stored properly and be available for inspection by any homeowner upon request so a good organizational system is a must. Most secretaries also write and send the neighborhood newsletter to keep the company up to date on happenings and general association information.

Treasurers handle all monies of the association, whether they are incoming or leaving. He or she must collect dues and issue payments to vendors as needed and approved by the board. At the end of the fiscal year, he or she should schedule and assist with an audit of the association books with a CPA as well as preparing the annual budget and income and expenditure report for the rest of the board.

<https://www.neighborhuddle.com/resources/condo-hoa-board-roles-understanding>

PRESIDENT

The president of an association is vested with all the powers generally given to the chief executive officer of a corporation. While specific by-law provisions may vary the president's duties, it is generally presumed that he or she will preside at all meetings of the board and the membership. The president will execute contracts, orders and other documents in the name of the association as its agent. When signing documents, the president should indicate the capacity in which he or she is signing in order to avoid any personal liability since the president's signature, under most circumstances, will bind the association under a doctrine of inherent powers.

The president also assumes general charge of the day-to-day administration of the association and has the authority to order specific actions in furtherance of the board's policies. The president serves as spokesman for the board of directors in most matters relating to general association business. Like all officers of the association, the president has an affirmative duty to carry out the responsibilities of the office in the best interests of the association. Unless otherwise specified in governing documents, the president serves at the will of the board of directors and can be removed with or without cause at any time by a majority of the full board.

VICE PRESIDENT

The vice-president is vested with all the powers which are required to perform the duties of the association president in the absence of the president. The vice president does not automatically possess inherent powers to act in the capacity of the chief executive officer, and may act for the president only when the president is actually absent or otherwise unable to act. The vice-president may assume such additional duties as are defined by the board of directors. Often, the vice-president will chair one or more substantive committees like that of architectural review.

SECRETARY

The secretary of the association is responsible for keeping and maintaining a record of all meetings of the board and the membership and is the custodian for most of the official records of the association. The position of secretary is not simply a clerical position. In many cases, the secretary will not actually keep the minutes of the meetings, but will be responsible for obtaining someone who will do so as a recorder or assistant secretary. As the custodian for the minutes and

other official records of the association, the secretary is responsible for insuring access to those records by the members of the association and their authorized representatives.

TREASURER

The treasurer is the custodian of the funds, securities and financial records of the association. When the association has a manager or management company that actually handles the funds on a daily basis, the treasurer's duties will include overseeing the appropriate people to insure that the financial records and reports are properly kept and maintained. Unless the by-laws otherwise specify, the treasurer is responsible for coordinating the development of the proposed annual budget and for preparing and giving the annual financial report on the financial status of the association.

The treasurer does not have the authority to bind the association or the board of directors in dealings with third parties unless the board has provided express authority for the treasurer to do so. As with the association's secretary, the treasurer does not have to perform the day-to-day record keeping functions of the association when this responsibility is transferred to a management company, but the treasurer will ultimately be responsible for insuring that the financial records of the association have been maintained properly in accordance with sound accounting practices.

Fiduciary Relationship and Responsibility

The members of the board of directors and each officer of the association have a fiduciary relationship with the members of the association. This fiduciary relationship imposes obligations of trust and confidence in favor of the corporation and its members. It requires the members of the board to act in good faith and in the best interests of the members of the association. It means that board members must exercise due care and diligence when acting for the community, and it requires them to act within the scope of their authority.

The fact that the association is a not-for-profit corporation, or that the members of the board are volunteers and unpaid, does not relieve them from the high standards of trust and responsibility that the fiduciary relationship requires. When a member accepts a position on the board of directors, he or she is presumed to have knowledge of the duties and responsibilities of a board member. Board members cannot be excused from improper action on the grounds of ignorance or inexperience and liability of board members for negligence and mismanagement exists in favor of the association and the property owners.

Each board member must recognize the fiduciary relationship and the responsibilities that the board has to the association and each of its members. The board's duties must be performed with the care and responsibility that an ordinary prudent person would exercise under similar circumstances, and the ultimate responsibilities of these unique positions cannot be delegated to a manager, a management company or other third party.