

Homes Association of Cedar Hills

T o t h e M e m b e r s h i p

In recent years, we as the members of the Board of Directors have come under incessant criticism from a very small number of Members of the Association. We are also aware that we have been subjected to considerable criticism on social media and by other means by this same very small number of Members of the Association. Because these criticisms have been widely disseminated, we feel it is time to respond to the entire membership.

1. Having had the opportunity to review some of the emails which have been circulated and some of the social media posts, we find that many of the criticisms which have been made are not factually correct. Rather than taking posts on social media at face value, we invite Members to attend our monthly Board meetings to see what we are doing and to ask us questions if you have concerns.
2. We certainly do consider any legitimate criticisms which are made of us by Members of the Association, whether directly or indirectly, because we want to do the best job we can for the Association, and we are always seeking ways to improve. Of course, that does not mean that we necessarily agree that all criticisms of us or our actions are well taken, based on fact, or legitimate. If we think a criticism is well taken, we seek to improve. We do not answer every criticism we learn about. In that the vast majority of the criticism has come from one single individual Member whose criticisms have been incessant, have frequently been factually inaccurate, and have often been at odds with our perceptions, it may not be surprising that we have become somewhat incurious as to criticism from that one individual.
3. The Board's main function is to manage the affairs of the Association and to enforce the Restrictions. The Board is made up of Members who volunteered and were elected by the Members. We are your neighbors. The primary reason we volunteered to serve is because we want to maintain the neighborhoods of the Association as a wonderful place to live in accordance with what we believe to be what most of the Members want. Those neighborhoods have traditionally been maintained in very good condition. In order to achieve that result, we have the task of enforcing the Restrictions so that all Members will share equally in the effort to maintain the quality of the neighborhoods. Of course, enforcing the Restrictions does not always make the Board popular with individual Members against whom enforcement is sought.

The Board's experience is that the substantial majority of the Members of the Association value maintaining the high quality of our neighborhoods, voluntarily maintain their properties in compliance with the Restrictions, and promptly voluntarily respond to any notice of violation they may receive. There are, however, a small number of the Members who do not, for whatever reason, choose to comply with the Restrictions. It is with that small number of Members that we expend much of our effort. Even within that small group most eventually correct their violations with some amount of prodding, but a very small number do not. Prior to commencing litigation to obtain compliance, the Association offers Members the opportunity to appear at a Board meeting to discuss the matter and the opportunity to mediate the dispute with the help of a third party. The Association does not commence litigation in instances where there is a good faith willingness to voluntarily comply. Only if all these efforts fail does the Association turn to the courts to obtain compliance.

When the Association becomes aware of a suspected violation it follows its procedures of first verifying that the violation has occurred, then delivering a friendly reminder to the Member to correct the violation, and, if the violation is not thereafter corrected, then proceeding with gradually increasing enforcement measures.

We seek to treat all violations consistently. Of course, not all situations are identical and perfect consistency can never be attained, but consistency of enforcement is the goal of the Board. Frequently when the Board seeks compliance with the Restrictions by a Member, the Board receives a response that it is picking on that Member or that the violation sought to be corrected is not as significant as violations by others. This is similar to what police officers frequently encounter when they pull some one over for a traffic violation and the driver says "the car in front of me was also speeding" or "surely you have more important matters to pursue."

The task of the Board is not an easy one. Seeking consistent enforcement of the Restrictions sometimes is resented by those from whom compliance is sought. Your neighbors who have volunteered to serve on the Board have been willing to contend with that unpleasantness because we feel we play an important role in maintaining the Association of Cedar Hills as a wonderful place to live. Our goal is to treat all Members of the Association with courtesy and respect and in an even-handed way. Even though disagreements within the Association sometimes become emotionally charged, we remind ourselves and would like to remind the Members that treating each other with courtesy and respect as neighbors is the most likely way to arrive at a satisfactory outcome.

In light of the attacks and criticism to which we have recently been subjected, we would certainly appreciate also hearing from any Members who support the work we are doing.

Q & A

Below are responses to some questions and issues that have been raised by some Members during the past year. Many of these have been addressed before in previous newsletters.

What is the Board's Role Under Article IX of the Restrictions?

Pursuant to Article IX of the Association's Declaration of Restrictions (the Restrictions), the Board has from time to time proposed amendments to the Restrictions for vote by the Members at the annual meetings held each year. Sometimes the amendments proposed by the Board have been proposed when the Board has become aware that a significant number of Members have interest in a particular change to the Restrictions to which the Board has no objection. Sometimes the Board has proposed amendments which it believes will improve the Association from the Board's experience in running the Association. Some of the Board's proposed amendments have been approved by the Members and some have not been approved by the Members. For example, at one time the Board became aware that a number of Members wanted the Restrictions to be changed to permit Members to have chickens at their properties. The Board presented an amendment to that effect to the Members and the Members did not approve the amendment. The Board believes that the Restrictions should only be amended with careful consideration, but it will continue to consider proposing amendments when it appears to it that it is in the best interests of the Association to do so and there is significant Member interest in, or other reason for, an amendment.

How long can someone volunteer for the Board?

The normal term of a director is two years. There is no restriction to the number of terms to which a director may be elected. One cannot simply "volunteer" for the Board: one must first be nominated (by 10 neighbors) and then be elected (by a majority of the vote). Each term of service requires another nomination and vote.

Why doesn't the Association participate on Social Media

The Association has chosen not to weigh in on social media platforms. The Association is a membership open to owners of the properties so "associated". We have a website and newsletters with which to impart information, we have an office staff that can answer some questions, and we have a Board of Directors to make decisions.

Why doesn't the Association post violation letters, legal notices or other correspondence on the website?

The Association's prefers that its communications regarding violations by a Member are between the Association and that Member and not between the Association and other Members or the public. We prefer to publicly post on the website information that can be posted that way and to provide membership-related information such as financial documents and meeting minutes to members upon request. There is considerable cost and difficulty involved in managing a private website with online membership access, and Board has not found compelling reasons to do so.

Q & A

Isn't it against the CC&Rs to run a business in your home?

The Board's principal concern about business activity arises when it adversely affects the neighborhood/your neighbors as a result of customer traffic/parking, deliveries/shipments, noise, fumes, signage, etc. arising from the operation of a business. A home office with a phone/computer/internet connection used to author emails and papers, pay bills, etc. by itself has no impact on the neighborhood..." (see Winter 2017 newsletter article for the full discussion).

Why aren't the meeting minutes posted to the website? And when are they available?

The meeting minutes are for the membership only, and not a public document. At this time we do not offer a secured website "sign on" for membership only information. Meeting minutes are available upon request through the office. Minutes are available once they are approved at the next month's board meeting

Are policies posted on the website? And when are new ones posted ?

Currently, most policies are posted to the website. New policies are posted once they are approved.

What is the time frame to get a response to emails?

The staff makes reasonable efforts to respond to member questions when it has time within its other duties. It cannot devote the staff time to respond to excessive inquiries. The Association reserves the right not to respond to inquiries which are not presented courteously.

I see violations but I often don't see any progress, how do I know the Association is addressing the concerns?

The object of enforcement is compliance; the Board & Staff seeks consistency in its efforts to enforce the Restrictions and bring about corrections to violations, but not all situations are identical. The Association's communications with a Members about a violation are not open to the other Members.

Why aren't the financials available on the web?

The published financials are for the membership only, and not a public document. At this time we do not offer a secured website "sign on" for membership only information. Published financials are mailed out twice a year and are available upon request through the office.

What is the voting incentive for?

Historically the annual meeting was postponed numerous times, when a quorum of the membership either by proxy or in person, was not achieved. The voting incentive was created to encourage people to vote, so as to make it more likely that a quorum of the membership necessary to conduct business at the annual meeting is achieved.

Q & A Continued

Does the Association have to follow Oregon's Revised Statutes (ORS)?

The Association is bound by applicable laws. ORS Chapter 94 specifies the extent to which its provisions apply to associations such as the Association which were created before January 1, 2002. The Association was incorporated in 1946 when its Articles of Incorporation was filed with Oregon's Secretary of State.

Why has the Association Incurred Increased Attorneys Fees this Year?

The Association is responsible for enforcing compliance with the Restrictions. The purpose of the Restrictions is to protect the livability, quality, and property values of our neighborhoods. Most Members voluntarily comply with the Restrictions, but in a small number of cases the Association is unable to obtain compliance by a Member without instituting litigation. The Association has almost always won such cases. The long standing policy of the Association has been that general compliance by all Members is best obtained by consistently requiring compliance by all Members, even those who choose not to comply. That requires that the Association pursue litigation to obtain compliance from those few Members who choose not to comply. In certain rare cases, litigation with a Member becomes hard fought and expensive. That happened during the past year causing the Association's attorneys' fees to be higher than usual. Although the Board of Directors does not comment on on-going litigation, it can say that the case in question is currently on appeal. It is difficult to predict in advance the outcome and expense of litigation. The Board of Directors uses its best judgment. The Association has not been involved in similarly expensive litigation in more than ten years. The Board understands that one of the risks of its efforts to enforce compliance with the Restrictions is that it may occasionally become involved in expensive litigation in which there is always a possible risk of loss. Nevertheless, if the Association were not willing to pursue such cases, its power to enforce the Restrictions and to thereby maintain the high quality of the neighborhoods would erode.

Policies

The Board of Directors regularly reviews and discusses policy ideas to help define our community standards within the framework of our CC&Rs. The following policies were recently approved by the Board:

- **Permits** – the Board has approved a written description of how our permit process works to make it clearer to homeowners when a permit is required.

See the Association website, or call the office, for full details of these policies.



Spring Cleanup May 19, 2018



Spring Cleanup Day is **May 19, 2018**. You will find your notice enclosed. Please bring it with you for identification purposes. **There have been a lot of changes with cleanup in the last couple of years, besides not accepting hazardous wastes, propane bottles paints, batteries, solvents, pesticides, thinners, and tires, we do not accept any electronics, TVs, monitors, computers, small engines, or appliances.**

As usual, the Scouts will be helping. Their information is located on the back of our notice. Even though yard debris recycling is available every other week through our garbage service, this is an excellent way to get rid of excessive yard debris and other unwanted items. Remember, cleanup is not limited only to "yard debris" so be sure and check your garage and back yard for unwanted items. This is an excellent opportunity to remove the old fencing from your fence project or deck replacement.

We are requiring that **ALL** yard debris be bundled in short efficient units (3ft or less) so it can be easily and quickly unloaded into a drop box. All unbundled yard /tree debris will be turned away and asked to come back when they have an unloadable load. **We will have a shredder truck 10-2** for your sensitive documents. After reviewing the clean up notice, if you have questions, please feel free to contact the office at 503-292-1259 or email us: office@cedarhillshoa.org

Commercial Vehicle Survey Pros and Cons

We are surveying the home owners again to see if some commercial vehicles would be allowed in the association. Allowing commercial vehicles has not achieved a super majority vote of 75% but by slim margin. The vehicles we are surveying about are personal sized vehicles, i.e. not semi-trucks, tow trucks, boom trucks, etc. See photos at: www.cedarhillshoa.org/surveycommercialvehicles.com

Pro's:

- Tradesman with commercial vehicles could be a good contact for homeowners in the neighborhood.
- We shouldn't selectively single out working homeowners just because they have an approved commercial vehicle.
- The approved commercial vehicles would not be on the street but be in the driveway or in an enclosure in order to keep the streets open.
- Many homeowners were receptive to the idea but wanted clearer parameters and limitations.

Cons:

- Bigger vehicles in a driveway block and disrupt the view of the open streetscapes and can put limitations on the line of sight pulling in and out of some driveways.
- Depending on the industry of a commercial vehicle it could need to come and go from a home 24 hours a day, 7 days a week.
- Allowing some commercial vehicles and not others could make it difficult for office staff to monitor and enforce the rules.
- Commercial vehicles in the association are not neat and attractive.
- This proposal of allowing some commercial vehicles has been voted on and surveyed about multiple times throughout the association's history and has failed every time.



H.A.C.H.

Homes Association of Cedar Hills
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Fourth of July Parade

The Annual Fourth of July Parade will be held at 10:00 a.m. starting at the Cedar Hills Recreation Center located on Park Way. Registration forms can be filled out when you arrive. Volunteers are needed! Call Carolyn Moore for further information. 503-805-5927. See you there!

8th Annual Neighborhood Garage Sale

Got too much stuff? Is it too good to throw away at the Neighborhood Cleanup? Sell it at the Fourth Annual Cedar Hills Homes Association Garage Sale. We will do all the advertising, all you have to do is participate by gathering your treasures to your driveway and put a price tag on them! Contact the office 503-292-1259 or office@cedarhillshoa.org if you want to participate. Let's join in for a Neighborhood Garage Sale **July 14, 2018**.

2017 - 2018 Board of Directors

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