

## Weatherby HOA

Meeting Minutes January 16, 2011

Board Members in Attendance: Stever Berner, Brian Vocca, Martin Scoones, Raymond Swearingen

Meeting Location: Lot 11, Steve Berner's residence

Community Member in Attendance: Paul Styron

Meeting called to order at: 6:45 P.M.

Quorum: Yes

### 1) Bring Meeting to Order

Review and Approve Minutes for 11/21/10 and special meeting 11/30/10

- MSP 4-0 – Minutes Approved

### 2) Discussion of hazardous tree removal issue

- Reviewed Handouts
  - i) Relevant case law from HOA attorney
  - ii) Snohomish County Bulletin #52 – Hazardous Tree Removal
- General discussion of HOA responsibility for dangerous trees on HOA land

### 3) Open Forum

- Discussion with Paul Styron regarding specifics of trees on NPGA land that fell and damaged his home and removal of remaining potentially hazardous trees on NPGA land behind Paul's home
- Discussion of case law and county bulletin (from #2 above)
  - i) Board not aware of hazardous trees before they fell
  - ii) Discussion of duty of landowner from cited case law
    - (1) Reasonable care
    - (2) Landowner under no duty to check regularly or remove trees based on personal opinion
  - iii) Discussed steps for tree removal based on county bulletin #52
  - iv) Discussed letter from 2008 and if must contact county each time a tree is failing
  - v) Discussed HOA land VS NPGA land

- vi) Discussed actions needed by HOA board if board is notified by an appropriate professional that a tree is unhealthy and failing
  - vii) Paul discussed past experiences with trees falling on his home and reasons for concerns for remaining trees in question
- 4) Discussed questions regarding board responsibility when informed via appropriate professional of hazardous tree on HOA controlled land. Discussed court ruling that perception of danger is meaningless if not based on professional assessment.
- i) MSP 4-0 - Going forward policy of board regarding *hazardous* trees on HOA owned land (including NPGA) will be as follows:
    - (1) Tree must be deemed hazardous by an appropriate professional (such as a certified arborist)
    - (2) A tree is considered hazardous when it has significant structural defects (such as disease or damage) that are likely to lead to failure and has the potential to fall or break and cause property damage. For HOA purposes an otherwise healthy tree cannot be deemed hazardous solely based on its susceptibility to natural wind damage.
    - (3) The HOA will pay for hazardous HOA tree removal or other corrective actions as recommended by an appropriate professional in a manner consistent with county guidelines
  - ii) MSP 4-0 - It will be the responsibility of the homeowner or other concerned party to pay for the professional assessment of a tree(s) as to whether or not it is hazardous and to present the assessment to the board.
- Discussed position of board if a tree in question is found to be healthy by an appropriate professional.
  - Discussed actions a homeowner can take when concerned about a healthy tree on NPGA land and county guidelines regarding removal and replacement of trees on NPGA land
  - Discussed healthy, but concerning, trees on HOA and NPGA land and how to be a good neighbor.
  - Discussed past board actions regarding trees and what situations were and were not paid for in the past
  - Discussed how to know what is NPGA land and where NPGA signs are vs what is shown on county map
  - Discussed purchase of section or tract of HOA land by a homeowner. Brian reported on feedback from attorney. Land can only be purchased in complete sections and cannot be parceled out.

- Discussed past board actions regarding tree removal and how specific situations were handled.
- Discussed need for legal council on new guidelines with regard to past board actions.
- Discussed due diligence regarding tree issues
- Discussed use of email to discuss issues vs in person at board meeting
- Discussed healthy trees on HOA land that are concerning to homeowner
  - i) MSP 4-0 – Requests to remove *healthy* trees on HOA land will be considered on a case by case basis
- Discussed past issues and questions regarding tree removal and whether or not past board actions were consistent with new guidelines. Discussed how to bring closure regarding past tree removal issues.

5) Discussed Financial updates

- HOA is in good shape financially
- Discussed payment plan request due to hardship of homeowners.
- Discussed past payment arrangements for HOA dues
- Discussed owners not paying dues and resulting delinquent fees interest
- Discussed activates at specific property in foreclose.
  - i) If previous owners are returning
  - ii) Recouping fees from past non-payment issues due to foreclosure
  - iii) Compliance issues with property

6) Decided to postpone some agenda items due to meeting running long

7) Discussed Annual meeting in March

- Election process
- Set agenda for meeting
- Who is up for re-election to board and what terms are expiring
- Nominating committee
  - i) President of board is responsible to plan and select nominating committee

- Steve to put together agenda and notify via Ann Marie

- 8) Discussed Resolution #6 – Must be amended each time there is a new board member
- 9) Discussed future consideration addressing remaining items over past issue regarding trailers
- 10) Discussed enforcement of fines and consistency of past enforcement
- 11) Discussed presenting resolutions to community and that 75% of eligible voters must vote yes to ratify
- 12) Discussed estimate of putting in a community park and related legal issues
- 13) Adjournment 9:15 PM
  - MSP 4-0 to Adjourn