

**West Eugene Village Resolutions  
Adopted by the Board of Directors**

Current and updated Resolutions adopted by the Board of Directors are as follows.

- Fines and Fees Schedule\*
- Conflict of Documents Policy
- Recordkeeping and Inspection Policy
- Publication of Homeowner Names Policy
- Revenue Ruling 70-604 Election – Excess Income (Provided by Ryan Ihde, CPA, April 2021)

\*Fines and Fee Schedules adopted September 29, 2014, and November 16, 2017 now combined into one document.



## Board of Directors Resolution Fines and Fees Policy 2022

### Assessments - Late Fees

The Board of Directors created this Resolution to better outline and defines the Fines and Fees associated with a violation in accordance with the Declaration of Covenants, Conditions and Restrictions (CC&R's) of West Eugene Village, and all Rules and Regulations associated with those outlined in the Declaration.

All monthly assessments or other lawful charges are due and payable on the first day of each month pursuant to Declaration of Covenants, Conditions and Restrictions (CC&R's) of West Eugene Village, Section 4.8. Any payment received after the last day of the month is considered late. All payments received, even if the payment was designated to be applied to a specific obligation, will be applied to the oldest outstanding charges before being applied to any current charge. If paying fees quarterly, make a payment before the last day of the first month in the quarter to avoid late fees.

**1** Late Fees Are assessed in accordance with the CC&R's, Section 4.9 (Amended).

**1.1** Payments of less than the full amount of all assessments and other charges that are due or any payment, which is made late, shall cause the owner to be subject to a \$15.00 late fee charge every successive month the payment(s) remain in arrears.

**1.2** Delinquency Any assessment not paid within ninety-days after the due date is delinquent and shall bear late fees, and interest, at the rate of ten percent (10%) per annum, from the date of delinquency. The Board is obligated to place a lien on delinquent accounts. Owner pays all fees.

**1.3** Collections The Association may bring any action at law against the owner or person obligated to pay the same, or foreclose the lien against the property. Once legal actions are commenced, all legal fees and costs will be assessed to the Owner(s) as required by the CC&R's, Bylaws, and Rules & Regulations.

**1.3a** Resolution In lieu of foreclosure, Owners can ask the Board for a payment plan.

**1.4** Non-sufficient funds Payments returned for insufficient funds will result in an additional \$35.00 charge to Owners account.

### Rules and Regulations - Fine and Fees

Article VIII of the Bylaws, Section 6 of the Declaration of CC&R's, ORS 94.777 and 94.780 set forth conditions for compliance with established rules and regulations. The Board of Directors and the Architectural Control Committee (ACC) are responsible for ensuring compliance of the established rules and regulations and failure to comply with the established rules and regulations are grounds for action. The schedule of fines range from \$50.00 per occurrence and/or increase to \$100.00 for repeat violations. Violations will not be considered repeat offenses if 60 days has passed since the last violation. Fees include contractor fees, cost of postage, tracking, or return receipt for written notifications.

In addition to the fine and fees noted above, the following violations may result in additional actions taken to correct or resolve condition(s) that resulted in a fine.

**2** Lawn & Yard Violations. Added charges will be assessed if an outside contractor is required to resolve the issue that resulted in the fine. The amount assessed will be equal to and not more or less than the contractor's fees for completing the task to resolve the issue.

**3** Common Areas, Park, and Open Spaces Violations. Per Bylaws Article VIII (b) and CC&R Section 2.1 (b), the Board can restrict access to the park, playground, and Open Spaces not to exceed 60 days per violation. This action can also be applied to delinquent accounts for unpaid assessments.



## West Eugene Village Homeowners Association, Inc.

- 4 Parking Violations.** Vehicles parked on the sidewalk in such a manner that a wheel chair or stroller cannot pass safely without having to enter the street or adjacent property to go around will be fined and may be towed if the owner cannot be found within 15 minutes. RV's exceeding the 48 hour (2 nights) rule may be assessed an additional \$35 per day after the 48 hours that are allowed expire.
- 5 Change Without Approval Fine.** Any change or alteration that requires approval of the ACC and was not approved in accordance with CC&R's Sections 6.2, 6.3, 9.7, 9.9, 9.12, 9.13, and 9.17 and/or are specifically listed as needing approval in the Rules or ACC Change Request Criteria.
  - 5.1 Fine** will be assessed at \$50 per violation, and for every week that the violation is not resolved or returned, be it one (1) day or seven (7) days, to a state that does not violate the CC&R's or Rules.
  - 5.2 Accumulation** This fine will be charged on top of any other fine listed in this document for the same violation.
  - 5.3 Added Charges** can be assessed if an outside contractor is required to resolve the issue that resulted in the fine. The amount assessed will be equal to and not more or less than the contractor's fee/s for completing the task to resolve the issue.
- 6 Review of Fines and Fees** - Owners have the ability to ask the Board of Directors to review any fines or fees assessed to the Owner under the Due Process Policy. Once a request for review of the violation is submitted to the Board of Directors any continuing fines or fees, for the matter under review, will not be assessed. Depending on the decision, the Board shall have the authority to increase or decrease Fines and Fees that may be assessed to an owner's account.

### DUE PROCESS

Owners have rights as well as responsibilities; therefore, the Board adopts the following policy defining the due process for owners that may potentially result in fines and fees levied for noncompliance of CC&R's and HOA Rules and Regulations. Prior to the Board levying a fine or hiring an outside contractor for violations other than yard/lawn care, the following due process procedures will apply.

- ACC or Board member makes at least two documented attempts to contact the homeowner to discuss the violation. Should the alleged violation fail to be resolved;
- A written notice will be email/mailed by the ACC or Board of the alleged violation and of the potential penalty that could be imposed. The owner will have seven (7) days to resolve the violation or create a written, signed plan that identifies the steps toward compliance.
- Should the violation continue to be unresolved; the owner will be advised by the Board in writing that a fine was approved and a fine and/or a contractor will be hired to bring the owner's property into compliance with HOA Rules and Regulations.
- If the Owner wants to contest the placement of the fine, they shall notify the Board in writing they wish to speak to the Board in person regarding the violation at the next scheduled Board meeting. The Board will make a final decision regarding the violation and may remove the fine if there is justification as to why the Owner's property cannot comply with the Rules and Regulations.
- The Owner will be responsible for the payment of any fine or other penalty imposed by the Board. If any fine or contractor fee imposed on the Owner by the Board is not paid within thirty-days of the Owner receiving written notice of the penalty assessment, the penalty assessment will be added to the amount of the monthly assessments, known as the assessment of common expenses that are charged to the Owner. This assessment will be enforced as an assessment in accordance with the CC&R's and Bylaws.

**Approval recorded by Amy Hanna, Secretary**



West Eugene Village  
Homeowners Association, Inc.

## West Eugene Village Resolution Conflict of Documents Policy

The following resolution was adopted by the West Eugene Village HOA, Inc. Board of Directors at a board meeting held on February 18, 2021.

### Recital

**Whereas** West Eugene Village is a planned unit development, and as such falls under the authority of the Oregon Planned Community Act (ORS 94.550 to ORS 94.630);

**And whereas** the Board of Directors believes there may be some areas of conflict or inconsistencies between the association's bylaws and the declaration, and between the declaration and the Oregon Planned Community Act.

**Therefore**, be it resolved that the Board adopts the following policy to resolve any such conflict:

*In the event of a conflict between the declaration and the bylaws, the declaration shall prevail.*

*In the event of a conflict between the declaration and the Oregon Planned Community Act, the Oregon Planned Community Act will control (as per ORS 94.770).*

**In witness thereof**, the undersigned has executed this Resolution of February 18, 2021.

Robert Rose, President of the Board of Directors

Amy Hanna, Secretary of the Board of Directors





West Eugene Village  
Homeowners Association, Inc.

**West Eugene Village HOA Resolution**  
**Association Recordkeeping and Inspection Policy**  
September 29, 2014 – Restated February 18, 2021

**Recital**

**Whereas** the Board of Directors has the right and duty to adopt administrative policies;

**And whereas** the Board of Directors desires to adopt a set of uniform and systematic rules which provide clarification for the Association's obligations with respect to recordkeeping and the Owner's rights with respect to inspection and copying of those records. Inspection and copy of records by Third Parties subject to approval by the Board of Directors.

**Therefore**, be it resolved that the attached Association Recordkeeping and Owner Inspection Policy and accompanying forms be incorporated into the West Eugene Village HOA's Book of Resolutions.

**Restated policy** includes edits to correct typos, formatting and number assignment errors on page three, and proper use of the Associations legal name.

# **West Eugene Village HOA, Inc.**

## **Association Recordkeeping and Inspection Policy**

The Board of Directors, in developing this Association Recordkeeping and Inspection Policy relied on the provisions of ORS 94.670 of the Oregon Planned Community Act and ORS 65.771 of the Oregon Revised Statutes to provide clarification for the Association's obligations with respect to recordkeeping and the Owner's rights with respect to inspection and copying of those records.

The Association hereby adopts the following policies and procedures for recordkeeping and record inspection:

1. The Association shall maintain the following records:
  - A. Detailed records of receipts and expenditures affecting the operation and administration of the Association;
  - B. Minutes of Membership meetings, of Board meetings, and a record of all actions taken by the Members of the Board without a meeting (i.e., by written ballot or written consent in lieu of a meeting);
  - C. The names of Members in a format that permits preparation of mailing labels which lists the names and physical addresses of all Members and shows the number of votes each Member is entitled to vote ("Membership list");
  - D. The current articles of incorporation, declaration, bylaws, rules and regulations, and any other resolutions adopted by the Board;
  - E. Annual financial statements for the past three years;
  - F. Financial statements showing the Association's assets and liabilities and results of its operations for the past five years;
  - G. Tax returns for the past five years;
  - H. A list of the names, phone numbers and physical mailing addresses of the current directors and officers;
  - I. The most recent annual report delivered to the Secretary of State;
  - J. The Association's most recent reserve study, or summary thereof;
  - K. Current written contracts to which the Association is a party;
  - L. Written contracts for work performed for the Association within the immediately preceding five years;
  - M. Records of Board or committee actions to approve or deny design or architectural approval from Members;
  - N. Ballots, proxies, and other records related to voting by Members for one year after the election, action, or vote to which they relate;
  - O. Written communications within the past three years to Members generally as Members.
  - P. HOA insurance policies for the past five years.

These records shall be the sole records of the Association. If the Association stores other types of documentation, or stores documentation for a longer time period than may be required above, such documents may not be considered records of the Association.

1. The records set forth in Paragraph 1 shall be made reasonably available for inspection and copying by a Member or the Member's authorized agent during convenient business hours. This means available during normal business hours after prior written request of at least 7 days. All requests must be submitted on the form attached to this policy.
2. No Member may use, or allow Association records to be used, for commercial purposes.
3. In addition, a Membership list may not be:
  - A. used to solicit money or property;
  - B. used for any commercial purpose;
  - C. sold to or purchased by any person;
  - D. used for any purposes unrelated to the Member's interest as a Member; or
  - E. used for any other purpose prohibited by law.

Any Member requesting a Membership list shall be required to sign the agreement attached to this policy indicating that he or she will not use the list for the purposes stated above.

4. The following records may be withheld from inspection and copying to the extent that such records are, or concern:
  - A. Architectural drawings, plans, and designs, unless the legal owner of such drawings, plans, or designs provides written consent to the release;
  - B. Contracts, leases, bids or records related to transactions to purchase or provide goods or services that are still in or under negotiation;
  - C. Communication with legal counsel protected by the attorney-client privilege;
  - D. Disclosure of information in violation of law;
  - E. Records of an executive session of the Board; and
  - F. Records related to an individual Lot other than the Member's.
5. The following records are not subject to review, inspection and/or copying and will be withheld from any inspection:
  - A. Personal identification and account information of Members, including:
    1. bank account information
    2. telephone numbers
    3. electronic mail address
    4. driver's license numbers
    5. social security numbers
    6. vehicle identification information

- B. Board or Committee member's working papers, personal papers, and electronic mail on personal accounts. These items are not considered association records.
6. Upon receipt of a request, the Association shall make an appointment with the Owner, at a time convenient to both parties (subject to the requirements of Paragraph 2 above), to conduct the inspection. All appointments for inspection will be limited to 4 hours. If additional time is needed, another appointment will be made within 10 days, at a time convenient to both parties.
  7. At the discretion of the Board of Directors, records will be inspected only in the presence of a Board member or other person designated by the Board.
  8. During inspection, an Owner may designate pages to be copied with a paperclip, post-it note, or other means provided by the Association. Copies will be made at a cost based on the standard schedule of fees charged to Association owners. The Owner shall be responsible for paying the total copying cost prior to receiving the copies.
  9. Nothing contained in these policies shall be construed to require the Association to create records that do not exist or compile records in a particular format or order.
  10. The Association may pursue any Owner for damages or injunctive relief or both, including reasonable attorney fees, for abuse of inspection and copying rights, including use of any records for a commercial purpose.

This Recordkeeping and Inspection Policy were adopted by Resolution of the Board of Directors of the Association.





West Eugene Village  
Homeowners Association, Inc.

## Request for Access to Association Records

Owner Name: \_\_\_\_\_ Lot # \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Pursuant to the Association's Recordkeeping and Inspection Policy, I hereby request that West Eugene Village HOA, Inc. provide access to the records of the Association. I understand that upon receipt of this request, the Association will set an appointment with me during regular business hours.

1. The records that I wish to review are (attach a separate piece of paper if necessary):
  - A. \_\_\_\_\_
  - B. \_\_\_\_\_
  - C. \_\_\_\_\_

2. I acknowledge and accept the Association's records inspection policy. I acknowledge that the records of the Association will be made available to me only at such time and place as the Association's policy provides, and that there may be a cost associated with providing copies of these documents for me. I agree to pay any costs associated with copying these documents. In the event the records provided to me by the Association are used for any commercial purposes, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees, and I shall be subject to all enforcement procedures available to the Association through its governing documents and/or Oregon law.

Member Signature: \_\_\_\_\_ Date: \_\_\_\_\_



West Eugene Village  
Homeowners Association, Inc.

## Request for Copy of Associations Membership List

Owner Name: \_\_\_\_\_ Lot # \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone #: \_\_\_\_\_

I have requested a copy of the Membership list for West Eugene Village HOA, Inc.  
 This list shall be used only for the following purpose:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I understand that under the terms of Oregon law, the Membership or voting list, or any portion thereof, may not be obtained or used for any purpose unrelated to my interests as a Member of the Association. I further understand and agree that the Membership list, or any portion thereof, may not be:

- A. Used to solicit money or property unless such money or property will be used solely to solicit votes of the Members in an election held by the Association;
- B. Used for any commercial purpose or personal financial gain;
- C. Sold to or purchased by any person; or
- D. Used for any other purpose prohibited by law.

In the event the list is used for any improper purpose, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees, and I shall be subject to all enforcement procedures available to the Association through its governing documents and/or Oregon law.

Understood and agreed to this \_\_\_\_ day of \_\_\_\_\_, year of \_\_\_\_ by:

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**West Eugene Village Resolution  
Publication Re Individual Owners Names**

Be it resolved that in the publication of the minutes of the HOA Board of Directors of West Eugene Village meetings, the policy shall be that comments by or about individual owners shall not be a part of the public record, and when such minutes are either published, loaded onto the HOA website, or distributed, such names shall not be included except for the names of members of the Board of Directors as needed to show who moved, seconded and votes for or against Motions in the Board of Directors meeting.

Approval - Per Board Meeting Minutes, Tom Fagan, President, reviewed an Attorney's letter to the Board regarding board minutes. Mr. Fagan moved to approve the publication changes for meeting minutes. The Board approved unanimously, October 20, 2016.

**Association Resolution for Revenue Ruling 70-604 Election—Excess Income Applied to the  
Following Year's Assessments**

**RESOLUTION OF WEST EUGENE VILLAGE HOMEOWNERS ASSOCIATION, INC.**

RE: EXCESS INCOME APPLIED TO THE FOLLOWING YEAR'S ASSESSMENTS REVENUE RULING  
70-604

WHEREAS, West Eugene Village Homeowners Association, Inc. is an Oregon corporation duly  
organized and existing under the laws of the State of Oregon;

and

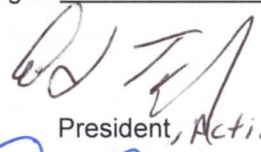
WHEREAS, the members desire that the corporation shall act in full accordance with the rulings and  
regulations of the Internal Revenue Service;

NOW, THEREFORE, the members hereby adopt the following resolution by and on behalf of West  
Eugene Village Homeowners Association, Inc.

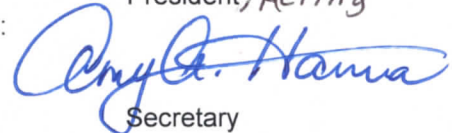
RESOLVED, that any excess of membership income over membership expenses for the year ended  
December 31, 2022, shall be applied against the subsequent tax year member assessments as provided  
by IRS Revenue Ruling 70-604.

This resolution is adopted and made a part of the minutes of the meeting of 4/21/2022

BY:

  
President, Acting

ATTESTED:

  
Secretary