

President's Comments – Kathy Taylor
March 23, 2020

Covid-19 Impact on BWHOA

Join Nextdoor

This is a community website with lots of information about our community which includes an area larger than BWHOA. From your internet browser, search for “How to join Nextdoor” (https://help.nextdoor.com/s/article/How-to-join-Nextdoor?language=en_US) You enter your address and email to register.

Nextdoor just created a new feature called **Help Map – Your neighbors can help** “Daily activities may present a challenge for neighbors at higher risk. If you need assistance, find someone nearby who can help.” I’ve posted a message “**Here’s how to stay connected with neighbors**” from Nextdoor sent March 22nd.

Pool Opening

If and when the Pool opens is contingent on what School Board, Mayor and Governor are recommending. Dick Audley, Pool Chair sent this to the board: “Pool plans are proceeding as usual: bark dust has been ordered, power washing of the decks (*not pavers*) has been ordered, the summer lock has been installed and new keys ordered, and Wet Kat is scheduled to get the pool ready for a Memorial Day Weekend opening. Everything can be delayed or cancelled if necessary.”

Dues Payments

As most of you know, about 50% of our dues are used for Pool expenses and projects. If the Pool cannot open, we would not need to spend about \$40,000 this year. Some pool expenses continue with or without being open. If a delayed opening or cancelled season is our fate, next year’s dues could be substantially reduced.

So far this year about \$90,000 has been collected for dues and \$47,000 is being paid quarterly.

With this as background, the board is considering allowing a delay for 2nd quarter dues payments. No interest will be charged. If the pool opens those funds will be needed, but if not, we can defer or cancel dues payments for a time. The 3rd and 4th payments will be considered when we have a better understanding of the state of affairs.

As a result, next year’s Dues may be different for each homeowner. Those who paid in full for 2020 would be charged less for 2021. However, all homeowners will pay the same over the two-year period.

Cancellations

Egg Hunt has been cancelled due to Governor’s request to limit group activity.

April Board Meeting – The board is communicating via email and phone. Pending issues can be postponed until May. If necessary, the May meeting will be via phone/video.

Fence Encroachment on Common Area.

The Lake Oswego City Attorney has notified us that the homeowner who rebuilt a fence in 2019 on the common area without permission or architectural approval will be receiving a citation from the City. Unfortunately, so will BWHOA. Sometime in the distant past, someone on the BWHOA board approved the original fence that was constructed in the common area.

In September 2019 the City sent a 38-page letter informing the homeowner and BWHOA of the requirement to relocate the fence and maintain the disputed area open to the public. There have been subsequent letters from the City to the homeowner.

In September 2016, the Board agreed to allow existing structural encroachments to remain in place until 10% or more of the structure is moved/replaced. In most cases, this allows existing structures to achieve their estimated useful life. However, all encroaching structures must be moved before September 2036, unless a permit was granted. In September 2016, 5 permits were granted after approval by the association, these permits allow the existing encroaching structure to remain in place for 20 years or until the structure is replaced or removed, whichever is later.

On September 13, 2016 three Board members met with the Deputy City Attorney of Lake Oswego. The purpose of the meeting was to discuss Common Area encroachments and related claims for adverse possession. The City Attorney explained that the Bryant Woods neighborhood was created by City ordinance, and that the ordinance required the Common Area remain open to all members. Therefore, encroachments into the Common Area that exclude member access may violate city zoning. Board-issued permits as a means for remedying existing encroachments are acceptable, provided the permit states it is subject to the City's utility easement and City zoning requirements, which the City may choose to enforce at any time. He also asked to be notified of any adverse possession claim against the Common Area so that the City could become a party in such litigation.

Our impression at the time was that the City is unlikely to take action if the HOA continues to allow fences to remain until replaced. **However, if someone filed an adverse possession claim against the Common Area, the City will intervene to enforce its open-space zoning requirement.** Consistent with the City's position, the Board will continue to require fences be moved to the platted line when replaced. If a member files a complaint seeking adverse possession, the Board will ask the City to join in the Complaint in defense of the Common Area. The Board has no plans to offer more permits at this time.

Because one homeowner failed to comply with the directive to put a replacement fence on the property line, the City may decide that all the fences in the common area must be relocated sooner rather than later. We will keep you posted.

Multiple Emailed Invoices.

Technology is fabulous and has changed our lives in so many ways. Electronic, on-line accounting systems are the state of the art because they are continuously upgraded. Unfortunately, glitches also happen.

The method to send out batches of invoices from our accounting system changed so that only 12 could be selected at a time. So, I checked the box for 12 homeowner and emailed their invoice. I unchecked those boxes, moved to the next page, checked 12 more and emailed them; etc. I did that 14 times. Apparently, there was a bug in the system. The 'uncheck' function failed. Some homeowner got 13 emails!

I am sorry for that! I had no idea until February when someone mentioned it to me. I googled it! It was a known bug as far back as 2018. As far as I can find, it isn't perfected yet. I'll keep researching.