

EAGLE BEND WEST COMMUNITY ASSOCIATION INC.

January 16, 2023

BOARD MEETING MINUTES

WESTERN MOUNTAIN PROPERTY CONFERENCE ROOM

Call to Order: President John Cannon attended the by video conference and called the meeting to order at 5:00 p.m. Board members in attendance were Bill Whitsitt, and Kevin Kleckner. Dena Brunskill and Chris Walthall attended via video conference. Homeowners Chuck Weyerhaeuser and David McIntyre attended through videconference. Also in attendance was property manager Dave Roberts along with EBWCA attorney, Randy Snyder, who had been invited to attend the meeting by John Cannon.

John Cannon announced that the meeting was being recorded and that by attending, each person agrees to the recording and that proper meeting notice has been provided.

Agenda Adoption: Chris made a motion to adopt the agenda as presented and Bill seconded the motion. Motion passed with all in favor.

Adoption of Minutes from November 21, 2022: Chris made a motion that a transcript of the November 21, 2022 meeting serve as the minutes. Dena seconded the motion. The motion failed to pass with two in favor and three opposed. Chris threatened to ignore the Board vote by distributing a transcript to the membership. John stated that no person had the right to distribute a transcript because the motion was not approved by the Board. Bill moved to adopt the minutes as presented. Kevin seconded the motion and the motion passed with three in favor and two opposed.

Presidents Report:

John stated that he requested EBWCA legal counsel, Randy Snyder to attend the meeting. Mr. Snyder has been practicing for 41 years and was a Felony Prosecutor in Great Falls. He graduated with a law degree from the University of Missoula. He was the President of the Real Estate Bar in 2013 and 2014. His focus

is on real-estate and HOAs which includes the writing and rewriting of covenants and legislative matters. He has represented EBWCA since the middle of 2000 when the previous attorney did not finish drafting proposed amendments to the covenants. Randy has continued to represent EBWCA and has met with John Cannon on various issues, but in particular, the Board's management of issues related to the Design Review Committee.

Mr. Snyder went on to discuss some of the actions that have occurred during the Annual Meeting in 2022 and in subsequent Board meetings and expressed serious concern how some matters have been brought to the public. Randy felt there were some on the Board that have disclosed matters of privacy to the homeowners and that signing petitions and distributing petitions are not permitted and not within the description of the duties of a Board member. Randy went on to explain that if a homeowner has a grievance, he or she needs to bring the issue to the Board and not make it public at the Annual Meeting. Randy cautioned the Board members, saying that they are not Montana attorneys and therefore have no right to advise homeowners. If a homeowner has a complaint, they are invited to attend the Board meetings and explain their grievance and then the Board can review the complaint and the Board, not one member, can make the determination on how to handle the problem. Due to the covenants of the EBWCA, the Board can only allow for those items that are covered by the CCRs and they cannot change the rules to benefit one homeowner. He added that no Board member has the right to decide what is right or wrong on their own.

The way the minutes were written was also discussed and Randy described the general rules for minutes. In particular, the minutes need to record the time, date, and place of the meeting. Who was present for the meeting and who presided over the meeting. Who made the motion and who seconded the motion, and the outcome of the vote needs to be included in the minutes.

Status of DRC Response: John provided a draft letter to the Board before the meeting regarding events involving the DRC; Randy Snyder had reviewed this letter and agreed with its content. John made a motion that the letter be sent to the community. Kevin seconded the motion. John opened the floor for discussion. There was a review of what happened at the Annual Meeting and many agreed that this was inappropriate and should not have happened. John

said the community needs to know that the Board reviewed the allegations and found the allegations did not have merit, were inconsistent with the existing CCR and DRG provisions and that there was no basis for consideration of a petition by some members for removal of the DRC chair. A vote was called to send the letter which passed with three in favor and two opposed.

Property Manager's Report: Dave reported that he requested the EBWCA's arborist to look at the trees in the community that are insect-infested. Brian Okamoto will look at these and will spray them in the Spring. He did not want to bill each homeowner for the trees in front of their property but would bill the association. John agreed that the spraying needs to be done and asked Dave to get a figure per tree if homeowners wanted to do their own trees.

Treasurer Report: Kevin distributed a memo to the Board summarizing where EBWCA closed the year financially in 2022. It was a favorable financial year with no major problem and the year ended with a net positive figure of \$40,000. Money was deposited into the Reserve Fund and the residual was deposited into the Operating Fund. Kevin made a recommendation that the Board place some of the cash into an interest-bearing account such as a one- or two-year CD. He had called some of the Banks in the area and the interest rate differed from Bank to Bank. He and Bill will work on finding the Bank who will provide EBWCA with the best interest rate.

Danae from Western Mountains Property has sent the budget for 2023 and included a draft for the Capital package. There were about 12 different project areas for the Board to consider. Kevin asked the Board to please review this package and send him any feedback.

Redistribution to the road reserve. Bill is working on a newsletter for the community and a summary of the Treasurer's report. Bill made a motion to move \$5,000 from the Operating Reserve into the Road Reserve and then to purchase a CD with the remainder. John Seconded the motion and it passed with unanimous approval. Bill will also include in the newsletter the story of the vandalism at the front entrance.

Meeting Adjourned at 6:10 p.m.

Submitted by Buggy Yarbrough Recording Secretary

Approved with ability to make technical changes at the Board meeting of 3/13/23 following a motion by Bill Whitsitt and second by John Cannon. The vote was 3 in favor, 2 opposed.



Bill Whitsitt
Vice President and Secretary