

Dear Chair Williamson, Vice-Chair Gorsek, Vice-Chair Springer and Members of the Committee

I am writing in opposition to House Bill 2617 as an experienced homeowner in an HOA of a little more than 20 years living in the great State of Oregon.

I do not want you to get the wrong impression here. I was not a disgruntled homeowner tossing out reckless or pithy arguments at the Board of Directors. As such, it was the actions of the Board of Directors over that twenty-year timespan that precipitated my intervention on behalf of not only myself, but also all the homeowners in my community (the majority of whom were apathetic so long as they were not affected by the Board's notices and/or violation fees).

My experience as a homeowner attending meetings, reviewing the governing documents juxtaposed to the Board of Directors decisions and actions, is that the directors rarely know what they are doing and do not like being corrected by a homeowner, especially during board meetings. Such meetings are the ONLY place where homeowners can have direct contact with the directors, whom they only get to see and hear once a month; and most of the time the directors are never properly prepared to answer homeowner questions and/or assertions of their incorrect job performance and decisions contrary to the governing documents and/or statutory law (Oregon Planned Community Act, Chapter 94).

The fact of the matter is meeting minutes do not cover the details of certain discussions that would be important if not illuminating to other homeowners not present. And a homeowner taking notes is no more reliable than the agent taking notes to publish the ultra brief and incomplete meeting minutes.

It is without question there is a lot that is said at meetings that cannot be articulated accurately let alone remembered by both directors or homeowners present; but for those homeowners that do remember and bring it up again at the next meeting, the directors have plausible deniability without any means of audio or audio/video recordings. That's the key with these quasi-government bodies, and that is EXACTLY what HOAs depend on when conducting business OR when they pass resolutions forbidding the recording of board meetings; which are public meetings amongst the homeowners and the board of directors (ORS 164.540(6)(a)), they are NOT private meetings as they are when in executive session.

In June 2016, my fellow homeowners and I experienced our Board of Directors passing such a resolution to forbid recordings with exorbitant fees if violated. During that meeting every homeowner present voiced opposition to this resolution asking what was wrong with a meeting being recording, it is evidence to defend them with (or a homeowner), and it provides clarity and transparency. The board's reasoning, rather excuse, echoes the same as detailed in Jason Grosz letter to the committee. My highly detailed response to that meeting and the questionable legality of such resolutions can be found here:

<http://okhawatchdog.blogspot.com/2017/03/june-2016-no-recording-resolution-by.html>

A recording of this meeting, forward to the 1-hour mark, can be found here:

<https://www.youtube.com/watch?v=eaTYAxCrMCo>

Granted there may be a few elderly or timid homeowners who do not care to be recorded out of fear of sounding inarticulate or ignorant of the ins and outs of HOA operations, as well as the duties and responsibilities of both the Board of Directors and homeowners alike; but that is a personal matter and not one for the board of directors to take up as it is not their function to make homeowners feel secure in their level of knowledge or lack thereof where the operations of an HOA is concerned.

Homeowners who are passionate about living in the community, their home, their neighbors, and any perceived disagreement with the Board of Directors simply will NOT be stifled by a mere recording of a meeting amongst the Board of Directors with homeowners present.

When a board meeting is recorded the homeowner know that they are being heard, and without it there is simply no transparency let alone accountability of the Board of Directors of any HOA in Oregon, despite what Jason Grosz or any other attorney from the monopoly on HOA representation in the Pacific Northwest at Vial Fotheringham will claim in correspondence to the committee. Opinions from attorneys on this should carry little weight since the true impact that these recordings will have is directly beneficial to the homeowner, and it is to this committee that should keep them in mind when considering HB 2617.

Regarding the last statement in Mr. Grosz letter, what he speaks of could not be anymore further from the truth. If and when a homeowner is directly affected by the decision of the Board of Directors, they will feel compelled to first address their concerns at a board meeting. It is precisely at these meetings where homeowners are basically ignored, discredited, scoffed at and in short...given no credence. Banning recordings of open HOA board of director meetings will give an unjust upper hand and unconscionable amount of power and control to the Board of Directors that neither the governing documents and/or state statutes provide for.

No governmental body, public or quasi, should ever be above (i.e. unable to be held accountable) the people they represent.

For the foregoing reasons, I support House Bill 2617.

Respectfully,

Troy Spurlock

Former proprietary member of the Oak Knoll Homeowners Association as a homeowner