

## **CANDIDATE STATEMENTS FOR BOARD OF DIRECTORS POSITION**

The following candidate statements are reproduced verbatim.

### Joe Brewer

Hi my name is Joe Brewer and I am interested in being on the board. My interest has to do with that my wife and I are full time residents and I think that it is helpful in working on the board. We also have a rental homes along with our daughter and son-in-law and we care about this wonderful community of Bella Beach and want to keep up its high standards.

Thanks for your consideration,

Joe Brewer

### Dat Nguyen

I am interested in volunteering and serving on the Bella Beach Board so that I may represent the community's interest in preserving the value, beauty and friendliness that is Bella Beach. I believe we have a very unique community on the Oregon Coast and, whether as homeowners or as investors, we were drawn to Bella Beach for primarily the same reasons. Preserving the community's appeal does not come without hard work and I believe our past and present boards have done a wonderful job in making Bella Beach a home or home away from home that each and every one of us is proud to own. I am therefore seeking to join the Board to continue this tradition. My relevant experiences include serving on the Board of the Washington, D.C. Chapter of the Penn State Alumni Association, the largest alumni association in the country and thereby an understanding of Robert's Rules. I have held a real estate license in the past and currently own and rent homes and therefore believe

I can contribute in providing an objective role in representing all parties at Bella Beach.

### Casey Roloff

I would like to express my interest in the upcoming Bella Beach Board positions that are available.

Background: I was the original developer and builder in Bella Beach. I have a deep interest in the overall feeling of the community after living there with my family full time for several years. I still own five properties in Bella Beach that are being developed and own Bella Beach Property Management. I still make many trips down to Bella Beach and keep an eye on changes taking place. I am currently on the ARC review committee.

Reasons I would like to be on the board: I feel that my history with the community and original vision could be an asset to the board and the home owners of Bella Beach.

I appreciate the opportunity.

Thank you,  
Casey Roloff

## Overview of By-laws Amendment

### Proposed addition to the Bella Beach By-laws

If approved, the following Section 5.8 will be added to the Bella Beach By-laws:

#### Section 5.8

**Any Owner who engages a property management company or rental agency to rent any Lot shall only use a property management company or rental agency that has been approved by the Board of Directors of the Association. The Board of Directors shall establish and publish the specific requirements for approval of any property management company or rental agency that desires to engage in business at Bella Beach and shall establish and collect from any Owner who breaches the provisions of this Section, such fines and penalties as the Board may impose in accordance with Section 10.7.3 of the Declaration. In no event shall the Board of Directors arbitrarily limit or fix the number of approved property management companies or rental agencies entitled to engage in business in Bella Beach.**

### Requirements for Property Management Companies and Rental Agencies

Any property management company or rental agency (each, a "PMC") doing business within Bella Beach shall comply with the following requirements:

Each PMC shall submit an application for approval to do business within Bella Beach to the Bella Beach Board of Directors that includes:

- 1) A 'Certificate of Status' from the Oregon Secretary of State, Corporation Division confirming good standing with the State of Oregon.
- 2) The current PMC federal tax identification number, if applicable.
- 3) If the services provided by the PMC require a property management license from the Oregon Real Estate Agency, a copy of that license.
- 4) A telephone number for the PMC that will be answered by the PMC 24/7. This number will be used for emergency contact purposes and by HOA security to report problems.
- 5) A list of all Bella Beach properties being managed by the PMC including the property owner name, address and lot number.
- 6) Proof of liability insurance in the amount of \$1 million or more.
- 7) An executed agreement with the Bella Beach HOA in which the PMC promises to:
  - a) Incorporate current Bella Beach HOA rules and regulations for owners and occupants (the "Rules") as a part of the rental agreement with any tenant/occupant.
  - b) Assist the Owner and the HOA to enforce penalties imposed against any tenant/occupant for violations of the Rules;
  - c) Insert a provision in each agreement with each tenant/occupant that the tenant/occupant shall be liable to the Owner for any fine imposed during the period of the tenant's occupancy and/or use of the property, and that the PMC or the Owner may offset the amount of such fine against any security deposit and, if insufficient may sue the tenant/occupant in Lincoln County Circuit Court to collect any deficiency.
  - d) Ensure that there is a sign posted in any rental property that sets forth the Rules for tenants/occupants together with the fine schedule.

## Background information

### Why require approved PMCs?

During the rules creation process (see Additional Information section below), many HOA members raised issues that stemmed from owners, renters and property management companies ("PMCs") having differing, and sometimes conflicting, ideas about the rules and expectations of the Bella Beach community as concerns renters of Bella Beach properties.

One of the ways the HOA rules address this issue is to require that PMC's meet a set of common standards and provide a consistent level of information and service to renters and owners of rental properties at Bella Beach. This helps assure that the renters we welcome into our community are informed of the rules and expectations of our community and aids significantly in avoiding problems.

Additionally, the rules applicable to PMC's help assure that the PMC's operating in Bella Beach are doing so in a manner that is in the best interests of HOA members who rent their properties and the community in general.

The Bella Beach By-laws and CC&Rs charge the Board with the obligation to protect and ensure HOA members' right to the peaceful enjoyment of their properties. To that end, the Board is authorized to enact rules so long as those rules do not conflict with the existing CC&Rs, By-laws or laws of the State of Oregon.

Note: For information on why the rules were enacted and the rules creation process, please see the "Additional Information" section below.

### Why a By-laws amendment if it's already a rule?

As the result of various issues raised by an HOA member and the importance of this protection, the Board has decided to ask the HOA to vote on incorporating the rule requiring the use of an HOA-approved property management company or rental agency into the HOA By-laws. As enforcement of this rule has been contentious, the Board decided that all HOA members should consider this matter and vote on its incorporation into the by-laws.

### What happens if the proposal is approved?

If passed, the Board intends to take all actions necessary to enact and enforce the by-law. The first step will be to contact any unapproved companies and request that they make application within 30 days. After that time, the Board would enforce the new By-law.

What happens if the proposal receives approval by a majority of votes but fails to pass due to the '50% of all members' requirement?

Changes to the HOA by-laws require the approval of at least 50% of all HOA members. This means that the proposed amendment needs at least 45 yes votes to be approved. It is possible that the proposed amendment could be approved by a majority of the votes cast, but still fail due to receiving less than 45 yes votes (e.g. if a total of 55 votes are cast and 75% of the votes are yes, the amendment would not pass because there were less than 45 yes votes).

If the proposal receives approval by a majority of the votes cast, but fails due to the 50% requirement, the Board will consider the results and the approval margin and may decide to hold a special meeting to consider the amendment again.

#### Additional Information

Current listings of the HOA CC&Rs, By-laws and Rules can be found on the HOA website at: [http://www.bellabeach.org/bylaws\\_ccrs/index.html](http://www.bellabeach.org/bylaws_ccrs/index.html)

#### Why the Rules Were Enacted and the Rules Creation Process

The rules are part of a process the HOA Board of Directors initiated in June of 2006. Throughout the spring and early summer of 2006, the HOA Board received feedback from many concerned HOA members regarding a number of livability issues in Bella Beach. In an effort to further understand and respond to these concerns, the Board created a Rules Committee.

In July, the Rules Committee sent a questionnaire to all HOA members soliciting their opinions of what was working and what wasn't working in Bella Beach. We were pleased with a high response rate and a good balance of what members like and don't like about the current state of Bella Beach. Two themes were clear from the feedback:

1. HOA members are passionate about Bella Beach and universally want to maintain the traditionally high standards of community and livability.
2. Many feel that Bella Beach is starting to slip in one or more areas. They are concerned that our high standards are eroding and are supportive of changes to ensure we are able to maintain and improve Bella Beach.

The Rules Committee reviewed all of the questionnaire responses and created a list of recommendations to address the issues raised. The HOA Board reviewed the recommendations of the Rule Committee and proposed new rules as a first step in addressing the issues.

In October of 2006, a public HOA meeting was held at the Gleneden Beach Community Center to review and discuss the proposed rules with HOA members and property management companies. There was much discussion at the meeting regarding the rules and how we should address certain issues.

At that meeting, the Board and the Rules Committee listened to what all the owners that were there suggested. They also reviewed letters and emails from HOA members who were not able to attend the meeting.

The Rules Committee then drew up a final draft of the rules. The Board approved the final draft on January 6, 2007. The final draft took some time to approve as the Board consulted with an attorney who specializes in Home Owners Associations law. He made changes where necessary to make sure that the HOA was following all the correct procedures and that the rules were inline with the Bella Beach By-laws, CC&Rs and Oregon laws regarding HOAs.

The final rules were mailed to all HOA members and posted on the Bella Beach website on January 17, 2007.

Based on HOA member feedback, several adjustments were made to the rules and approved by the Board on April 4, 2007. Additional changes and clarifications were made in January 2008.

The Board realizes that enacting new rules may be an arduous task. But we are listening to you and hope that by adopting these rules, we will all live in a harmonious environment. With the increasing popularity of Bella Beach, we strongly feel that it will now be up to all of us to preserve the beauty and community we have here. We feel that since eighty percent of the homes are used for rental purposes it is even more important that we establish guidelines and expectations for our owners, property managers, and renters.

The rules are a living document and are updated as necessary to address the ongoing and changing needs of the Bella Beach community. The Board and the Rules Committee welcome your input on the rules and all other aspects of Bella Beach. A Feedback and Contact List is maintained on the Bella Beach website at: <http://www.bellabeach.org/contact/>