

KING CITY CIVIC ASSOCIATION, INC.
Resolution of the Board of Directors

ENFORCEMENT RESOLUTION

RECITALS

- A. This Resolution is adopted by the Board of Directors of the King City Civic Association, Inc., an Oregon nonprofit corporation (“**Association**”). The Association is charged with the operation and management of the King City Subdivision, an Oregon planned community located in Washington County, Oregon (“**Community**”). The Association is governed by the following documents recorded in the records of Washington County, Oregon:
1. Restated Declaration of Covenants, Conditions, and Restrictions of King City Civic Association, recorded December 14, 2001, as Document No. 2001-130532 in the records of Washington County, Oregon, including any amendments and supplements thereto (“**Declaration**”);
 2. Restated Bylaws of the King City Civic Association, dated October 24, 2001, including any amendments and supplements thereto (“**Bylaws**”);
 3. Plat of King City No. 1, recorded on June 9, 1964 in Book 23 at Page 13;
 4. Plat of King City No. 2, recorded on August 6, 1964, in Book 23 at Page 20;
 5. Plat of King City No. 3, recorded on January 5, 1965, in Book 23 at Page 37;
 6. Plat of King City No. 4, recorded on October 21, 1965, in Book 24 at Pages 25-25A;
 7. Plat of King City No. 5, recorded on December 7, 1965, in Book 24 at Page 30;
 8. Plat of King City No. 6, recorded on December 28, 1966, in Book 25 at Pages 4-4A;
 9. Plat of King City No. 7, recorded on November 30, 1967, in Book 26 at Page 1;
 10. Plat of King City No. 8, recorded on December 18, 1968, in Book 27 at Pages 3-3A;
 11. Plat of King City No. 9, recorded on October 23, 1969, in Book 28 at Page 11;

12. Plat of King City No. 10, recorded on October 29, 1969, in Book 28 at Pages 13-13A;
13. Plat of King City No. 11, recorded on June 4, 1970, in Book 28 at Page 30;
14. Plat of King City No. 12, recorded on August 19, 1970, in Book 28 at Page 38;
15. Plat of King City No. 13, recorded on October 7, 1970, in Book 28 at Page 44;
16. Plat of King City No. 14, recorded on February 22, 1971, in Book 29 at Page 12;
17. Plat of King City No. 15, recorded on April 14, 1971, in Book 29 at Page 19;
18. Plat of King City No. 16, recorded on July 9, 1971, in Book 29 at Page 38;
19. Plat of King City No. 17, recorded on September 29, 1971, in Book 30 at Page 7;
20. Plat of King City No. 18, recorded on October 19, 1971, in Book 30 at Page 14;
21. Plat of King City No. 19, recorded on December 17, 1971 in Book 30 at Page 36;
22. Plat of King City No. 20, recorded on June 24, 1980 in Book 50 at Pages 24-25 (collectively, the "**Plat**"); and
23. Amended and Restated Articles of Incorporation of King City Civic Association, filed January 15, 1999, with the Corporation Division, Oregon Secretary of State ("**Articles**").

The Association is also governed by the Oregon Planned Community Act, ORS 94.550-94.783, and the Oregon Nonprofit Corporation Act, ORS chapter 65.

- B. ORS 94.625 and ORS 94.630 provide that a homeowners association serves as the means through which the members may take action with regard to the administration, management, and operation of the Community. Article VII of the Articles provides that the management of the business and affairs of the Association is vested in the Board of Directors.
- C. ORS 94.630, Article VI, Section 1 of the Declaration, Article VII of the Articles, and Article III of the Bylaws vest the Board of Directors ("**Board**") with all of the powers and duties necessary for the administration of the affairs of the Association.
- D. ORS 94.630(1)(a), Article VI, Section 2E of the Declaration, and Article III of the Bylaws empower the Board to adopt rules and regulations.

- E. ORS 94.630(1)(n) and Article VIII, Section 2 of the Declaration provide that the Board may levy reasonable fines for violations of the Declaration, Bylaws, Rules and Regulations of the Association or the Act after notice and an opportunity to be heard, if the fine is based on a *Schedule of Fines* adopted by a resolution of the Board.
- F. ORS 94.550(1) and 94.709 provide that fees, late charges, fines, and interest imposed, pursuant to ORS 94.630(1)(n), are enforceable as assessments.
- G. For the benefit and protection of the Association and of the individual Members, the Board deems it necessary and desirable to establish a formal procedure for the handling of complaints and the enforcement of the Declaration, Bylaws, and Rules and Regulations to ensure that Members receive notice and an opportunity to be heard in cases involving alleged violations of the Declaration, Bylaws, or Rules and Regulations.
- H. The Board deems it necessary and desirable to adopt a *Schedule of Fines*, attached as Exhibit A to this Resolution, to be used by the Board in imposing sanctions for violations of the Declaration, Bylaws, or Rules and Regulations of the Association.

RESOLUTION

I. NOW THEREFORE IT IS RESOLVED that all prior resolutions of the Board relating to the enforcement of the Declaration, Bylaws, or Rules and Regulations, and the imposition of fines or taking other enforcement action against a Member are hereby revoked and are of no further force or effect.

II. NOW THEREFORE IT IS FURTHER RESOLVED that the procedure set forth below shall be the process for handling complaints and enforcement of violations of the Declaration, Bylaws, and Rules and Regulations.

ARTICLE 1 OVERVIEW OF PROCESS

- 1.1. **Complaint.** An owner may file a written complaint with the Board regarding a violation of the Declaration, Bylaws, or Rules and Regulations by another Member, tenant, or guest. The Board may also initiate a complaint (Article 2).
- 1.2. **Investigation.** The Board has the discretion to investigate the complaint and decide if it is valid (Article 3).
- 1.3. **Violation and Notice.** If the Board finds there is a violation, the Board or its representatives must provide notice to the Alleged Offending Member. The Board will first provide a First Notice to the Alleged Offending Member. If the violation is not remedied or ceased within the time specified in the notice, then the Board will provide a second notice to the Alleged Offending Member. This second notice must contain certain

provisions, including giving the Alleged Offending Member an opportunity for a hearing (Article 4).

- 1.4. **Hearing.** If requested, the Alleged Offending Member may present testimony or evidence regarding the violation at the next Board meeting (Article 5). If not requested and no written materials are submitted contesting the fine, the fine may be imposed without further consideration.
- 1.5. **Fines and Remedies.** The Board may impose fines pursuant to the *Schedule of Fines* if the violation is not remedied or ceased within the time specified in the notice, provided the Member has the opportunity for a hearing (Articles 3, 6, and 7).

ARTICLE 2 ORIGINATION / INITIATION OF COMPLAINT

- 2.1. **Board of Directors.** A complaint may be initiated by the Board based on information from the manager, an Association employee, Member, or other information the Board deems reliable.
- 2.2. **Members.** A Member (“**Complaining Member**”) who desires the Board to take corrective action against another Member or tenant (“**Alleged Offending Member**”) must submit a complaint to the Board or manager. The complaint must be in writing and must include:
 - (a) The name (if known) and address of the Alleged Offending Member;
 - (b) The name of the Complaining Member (anonymous rules violation reports will not be considered. However, the Board is not required to disclose the identity of the Complaining Member except in the event of a hearing);
 - (c) A description of the offending behavior or activity, including the date and approximate time; and
 - (d) Whether and how the Complaining Member previously attempted to contact the Alleged Offending Member to reach an informal resolution regarding the alleged violation.

ARTICLE 3 INVESTIGATION OF COMPLAINT

- 3.1 **Investigation.** Upon receipt of a written complaint, the Board, or a person authorized by the Board, has the discretion to conduct an investigation to confirm the nature and existence of the allegations contained in the complaint.

- 3.2 **Determination of Violation.** If, after review of a complaint, the Board determines that there is a violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents and the Board determines that it is in the best interest of the Association and Members to address the violation with the Alleged Offending Member, the Board shall proceed to give notice to the Alleged Offending Member as described below.

**ARTICLE 4
NOTICE PROCEDURE**

4.1 **Notice of Violation.** If the Board determines that there is a violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents, the Board shall give the Alleged Offending Member the following Notices of Violation:

- (a) First “Courtesy” Notice. After making the determination that the Alleged Offending Member is in violation of the Declaration, Bylaws, Rules and Regulations, or other Governing Documents, the Board shall give the Alleged Offending Member a “**First Notice.**” The First Notice shall be sent to the Member by regular mail. The notice required under this subsection must:
- (1) State the violation; and
 - (2) State a specific period of time to correct or abate the violation.
- (b) Second Notice and Right to a Hearing. If, after the Board has provided a First Notice, the violation stated in the First Notice has not been brought into compliance by the Alleged Offending Member, and the compliance deadline prescribed in the First Notice has expired, then the Board shall give the Alleged Offending Member a Second Notice and Right to a Hearing.
- (1) Required Notice Provisions. The notice required under this subsection must:
 - (i) Describe the violation;
 - (ii) Contain a statement that the Alleged Offending Member may be fined or may have the Alleged Offending Member’s right to use the Association Property suspended for failing to comply with the Declaration, Bylaws, or Rules and Regulations of the Association, or have both fines and a suspension imposed;
 - (iii) Contain a statement that the Alleged Offending Member has the opportunity to be heard on the violation;

- (iv) Contain a statement indicating that at the hearing, the Alleged Offending Member will be given the opportunity to present evidence and question witnesses;
 - (v) Contain a statement advising the Alleged Offending Member that if the Alleged Offending Member does not appear for the hearing, and if the alleged violation is not remedied or ceased by a specified compliance deadline, the substantive fine listed on the attached *Schedule of Fines* will be assessed beginning on the day following the specified compliance deadline, or the Alleged Offending Member's rights to use the Association Property will be suspended, or both fines and a suspension will be imposed.
- (2) Optional Notice Provisions. The notice may also provide or specify any or all of the following:
- (i) Specific action the Board is requiring to remedy the violation;
 - (ii) The particular language or Section from the Declaration, Bylaws, or Rules and Regulations which has been violated; and
 - (iii) Any other information as directed by the Board.
- (3) Delivery of Notice. The notice will be mailed to the address of the Alleged Offending Member, or, if the Alleged Offending Member has provided a different mailing address to the Association for the purposes of receiving Association-related notices and correspondence, to the provided address. Notices will be mailed via regular, first-class mail. Return Receipt and Certified mail are not required for any notices in this Enforcement Resolution. The notice will be mailed at least fourteen (14) days prior to the meeting at which the Board will consider the violation.
- (c) Obligation to Notify Tenant. An Alleged Offending Member who receives any of the foregoing Notices of Violation shall be obligated to communicate with the tenant regarding the noncompliance. This shall include sharing a copy of the notice with the tenant.

4.2 **Informal Action.** Nothing in this article precludes the president, a designated Board member, or other person authorized by the Board from first attempting to resolve the matter either by an informal meeting, telephone call, or a warning letter to the Alleged Offending Member.

**ARTICLE 5
HEARING PROCEDURE**

5.1 **Hearing Procedure.** The Board shall utilize the following procedure for violation hearings to be held during a regular open Board Meeting:

(a) Appearances at the Hearing. If the Alleged Offending Member fails to appear within *fifteen (15) minutes* of the time set for the hearing, the Board may, at its sole discretion:

- (1) Conduct the hearing without the presence of the Alleged Offending Member;
- (2) Allow the Alleged Offending Member additional time that day to appear;
- (3) Reset the hearing to another date and time; or
- (4) Dismiss the complaint.

(b) Dismissal. In the case of dismissal, the Board shall notify the Alleged Offending Member, in writing, that the complaint has been dismissed.

(c) Conduct of Hearing.

- (1) Testimony from Parties. If the Complaining Member chooses to appear and the Alleged Offending Member appears, the Board shall proceed to hear from the Complaining Member and then from the Alleged Offending Member.
- (2) Evidence and Witnesses. The Complaining Member and the Alleged Offending Member may present evidence and witnesses at the hearing. The Board may limit testimony and evidence as it determines is reasonable and necessary. A Member's testimony shall not exceed fifteen (15) minutes.

(d) Board Determination. Following the testimony and any evidence presented by the parties, the Board has the discretion to re-evaluate its prior determination of violation under Sections 3.1 and 3.2 above. The Board also has the discretion to re-evaluate the fine, the suspension of use rights of Association Property, any required or appropriate resolution for the violation, and any other matter which may result in the resolution of the violation.

- (1) The discussions must be in open session as directed by ORS 94.640(8)(a).
- (2) The Board shall either give its decision at the conclusion of the hearing or take the matter under advisement and give the decision a later date not to exceed thirty (30) days after the hearing date.

- (e) No Hearing. If the Alleged Offending Member does not appear for the hearing and no written materials are submitted for consideration during the hearing (in the absence of the Member's attendance), and the Board decides not to reschedule the hearing, then the fines, suspension, or both will be deemed non-contested and will be imposed against the Alleged Offending Member.
- (f) Fines/Suspension Pending Until After Hearing. The fines will not be assessed to the Alleged Offending Member's Lot or Unit and no suspension of use of Association Property imposed until the Board makes a final determination on the violation and the fines or suspension after a hearing as described in this Article 5.

ARTICLE 6 OTHER LEGAL ACTION

6.1 **Board Actions.** In addition to levying fines and suspending the right to use Association Property, action by the Board may include, but need not be limited to:

- (a) If a violation presents an immediate or dangerous threat to life, health, safety or property, the Association may exercise its access easement to enter onto the property, without advance notice, for the limited purpose of abating the violation and making any such condition safe pursuant to the authority granted it in Article VIII, Section 2D of the Declaration and ORS 94.733(4);
- (b) Seeking injunctive or declaratory relief action against any Alleged Offending Member and tenants, guest, or other occupants of the Alleged Offending Member; and
- (c) Taking immediate legal action, as the Board finds reasonably necessary, to stop conduct which it determines is in violation of the Declaration, Bylaws, Rules and Regulations or other Governing Documents or applicable state or federal law.

6.2 **Additional Corrective Action by Board.**

- (a) Right of Board to Take Additional Corrective Action. If the Alleged Offending Member fails to correct the matter which is the ultimate cause of the violation, the Board may take additional corrective action without opportunity for a hearing.
- (b) Notice of Additional Action. The Board shall give an Alleged Offending Member written notice of any additional action taken under Subsection (a) of this section.

**ARTICLE 7
MISCELLANEOUS**

- 7.1 **Renters and Other Non-Member Occupied Lots and Guests.** The Member who owns any Lot or Unit shall be responsible for the violations of any renter, tenant, guest, or family member who violates any portion of the Declaration, Bylaws, or Rules and Regulations. That includes notifying the tenant of any violations and forwarding all notices sent pursuant to Section 4.1(c), herein.
- 7.2 **Mediation.** ORS 94.630(4)(a) provides for dispute resolution prior to any litigation being initiated between the Association and any member of the Association. For purposes of this Enforcement Resolution, the dispute resolution requirements of the Act and the Bylaws do not apply to the actions of the Association in its enforcement responsibilities, as long as no litigation has been filed.

III. BE IT FURTHER RESOLVED that the *Schedule of Fines* attached as **Exhibit A** is adopted by the Board to determine the fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association.

IV. BE IT FURTHER RESOLVED THAT a copy of this Resolution be delivered to each Member either in person, by mail to the mailing address of the Lot or Unit, or to the mailing address designated in writing by the Member.

Date: September 22, 2020

Rob Cavasher Ph.D.
Rob Cavasher, President
King City Civic Association, Inc.

Sandi Fuhrman
Sandi Fuhrman, Secretary
King City Civic Association, Inc.

**EXHIBIT A
SCHEDULE OF FINES**

All fines are per occurrence. In the event a violation is continuing in nature, the fine will renew either daily, weekly, or monthly until the violation is remedied or ceased.

General Use and Maintenance		Fine	Renews
1	Unsightly appearance of lot or unit visible from exterior. Improper upkeep of shrubs, trees, grass and plantings of every kind and failure to remove trash, weed or other unsightly materials in violation of Article VII, Section 8 of the Declaration	\$50	Daily
2	Improperly storing items on patios, balconies or in yards in violation of Article VII, Section 8 of the Declaration	\$250	Weekly
3	Failing to conceal garbage cans and trash containers from view except for the night before and the day scheduled for pick up	\$20	Daily
4	Garbage, trash or other waste not in proper container or otherwise stored improperly	\$50	Weekly
5	Keeping more than two (2) ordinary household pets on any Lot or in any Unit in violation of Article VII, Section 5 of the Declaration	\$25	Daily
6	Display or use of signs in violation of Article VII, Section 4 of the Declaration	\$50	Daily
7	Unauthorized rental of Unit	\$2000	Monthly
8	Failing to remove holiday decorations within thirty (30) days after the holiday	\$10	Daily
9	Construction, alteration, painting in new paint colors or exterior addition, alteration, or modification of any building or Lot without prior Board or Landscaping, Architectural Review, and Compliance Committee approval in violation of Article VII, Section 7 of the Declaration	\$100	Daily
10	Damage to Association Property (plus cost of repair)	\$100	N/A
Noise and Nuisance			
11	Noise violations	\$50	Daily
12	Non-noise violations, including intimidation or threats	\$100	Daily

13	Other offensive or unlawful activities in violation of Article VII Section 2 of the Declaration	\$100	Daily
Parking			
14	Parking of truck larger than $\frac{3}{4}$ ton capacity on a Lot for a period of more than 48 hours in violation of Article VII, Section 3 of the CCRs	\$25	Daily
15	All other parking violations	\$25	Daily
Pets			
16	Animals unattended; animals off leash or tether creating a nuisance in violation of Article VII, Section 5 of the Declaration	\$50	N/A
17	Failing to immediately remove or pick up pet waste from Association Property	\$25	N/A
18	Keeping animals other than dogs, cats or other ordinary household pets	\$100	Weekly
19	Keeping animals on a Lot for commercial breeding or raising	\$500	Weekly
Rentals			
20	Failure to provide the Board with updated resident and Member information	\$50	Monthly
21	Use of Lot for non-residential purposes in violation of Article VII, Section 1 of the Declaration	\$2500	Monthly
Other			
22	Other violations of the CCRs, Bylaws or Rules and Regulations of the Association not set forth above	\$50	N/A