

SRD BOARD MEETING NOV. 12, 2019

Present; John Burns, Pala Bailey, Tina Ward, Rick Thompson, Mike Stowe, Barbara Krane, Ron Brown, Rod and Sue Napier, Phil and Barbara Murphy, Tom McManus, Alice Swanson, Aileen Winge, Rick Bestwick, and Bill Swanson.

Quorum Present.

Meeting called to order by SRD Chairman Bill Swanson.

Meeting being videotaped by private party.

Bill Swanson opened meeting with a response to the Ad Hoc Road District complaint committee. Bill read from prepared comments regarding the committee's complaint about the 2017 Chipsealing project. "The Great Chipsealing Caper".

He reiterated once again that in advance of any action, he consulted with experts from the Deschutes County Roads to solicit advice and recommendations for contractors. He received six names from the County and contacted each one in turn. One of the contractors, Hap Taylor & Sons - Knife River, said they don't do chip sealing but highly recommended another company, Sierra Santa Fe Inc. Only two requests for proposals were received back (the rest of the six contractors indicated they no longer do chip sealing). The two proposals came from Vic Russell Construction and Sierra Santa Fe. In October 2016 Sierra Santa Fe responded to the proposal request. Vic Russell Const. responded in April 2017.

Bill went to both companies to check out their equipment yards and followed up on three project references of previous work sites. Sierra Santa Fe has only one line of business, chip sealing, their equipment was state of the art, their staff trained on the equipment and the three projects checked were deemed excellent by the customers. Chip sealing was not the primary focus of the other contractor. They didn't have the proper equipment at the time. The proposals received differed in price. Sierra Santa Fe was the higher bidder. Under the rules of Oregon's procurement law, Intermediate Procurement Projects, those between \$10,000 and \$150,00, it was not required to award the contract to the lowest bidder. Factors other than price may be considered: experience, expertise, quality of work, etc. Bill Swanson felt that Sierra Santa Fe would provide a higher quality, longer lasting job for our community.

Before actually awarding the contract, Bill told the neighborhood of the situation at an annual HOA meeting and had a meeting with the then HOA Board, in an effort for transparency, to review numbers and the proposals. He was alone on the SRD Board due to a lack of volunteers in Fall River to fill both boards. This lack of interest in volunteering for Fall River boards has been a consistent problem in Fall River. The HOA Board agreed with Bill's choice and signed a document stating their approval. He then announced it at the annual HOA/SRD meeting.

Bill Swanson then moved on to the complaint about the ownership of the website fallriversrd.com. He explained that his wife, Alice Carey-Swanson, created the website of her own volition. No payment has ever been paid to her for the service nor for the maintenance of the site. She is the sole owner of the site and only publishes already public documents which we may provide: notices of meetings, agendas and minutes of our meetings, financial reports. The SRD Board has been accused of not being transparent in the past, and although we could not outlay tax funds with the current uncertainty of HOA future funding, the SRD Board agreed to this site posting our information.

Rick Bestwick, SRD Board Treasurer, addressed the demands from the HOA for mediation. He felt that all of the questions and concerns of the HOA Board have already been asked and answered. The 2017 project was done in the manner it has always been done in the past. Advising the community at an annual HOA meeting and meeting with the then HOA board requesting their input was the only way available to Mr. Swanson to elicit community involvement. "The SRD Board has not done anything wrong and there is no reason for mediation".

Rick Bestwick also addressed the website complaints. Rick reiterated that Alice Carey Swanson registered the domain name on her own, as is allowed by law. It was her right just as the fact that Tom McManus had a right to register his own SRD domain name. The site was not “gifted “ to Alice, nor is there any “value” in the way of payments, advertisements etc. We simply allow public documents to be posted in our ongoing endeavor to satisfy the transparency requirement of the law. The resolution voted on previously was simply to put on record that the SRD Board has unanimously agreed to continue using this website for the time being.

Rick Bestwick asked that he be allowed to investigate the possibility of this current SRD Board, ratifying the 2017 chip sealing decision to put an end to this debate. This was not a proposal, just a request to look into the matter. The board agreed he should look in to it.

Aileen Winge spoke on the current hostility of the HOA Board and the irreparable divisions in the neighborhood. She states that the SRD Board has not been allowed to function without constant complaints and harassment. There has been a huge volume of email attacks, accusations, smears, and constant threats of law suits. Demands from the HOA Board continue with their only possible suggested resolution being that Bill Swanson resign. Reputations have been destroyed. Aileen again stated in no uncertain terms, that there has been no misfeasance, no missing funds and that the manner in which the SRD Board has been treated is immoral.

The open public comment session opened with Tom Mc Manus reading from a Deschutes County rule book. Board Member Rick left the room as Tom has a legal matter pending against Rick's family. Tom continued to read from Page 6 of the rule book he brought regarding the conduct of boards, volunteers etc. He continues to maintain that the SRD website was “gifted” to Alice Swanson and that Bill Swanson committed a criminal act. He asked again for Bill Swanson to resign.

Bill thanked Tom for his words and reminded him that his time was up.

Mike Stowe spoke about what he saw as misconceptions about what the SRD is trying to do. He feels that the SRD Board is not obeying the law. He has no complaints about the quality of the work done in 2017, just the process. He states that he is just trying to defuse the neighborhood situation and show the SRD where they are wrong. Mike Stowe points out that the Ad Hoc SRD Complaint committee is willing to forgive.

Bill Swanson thanked Mike Stowe for his remarks.

Ron Brown spoke of his long-term association with Fall River. He reflected on the early days when the roads were dirt and residents few and far between. Everything was done by volunteers working together. In the last few years there has been an influx of new homeowners, so Fall River is in a state of transition. It still remains a beautiful place to live where we need to look forward not backward.

Bill Swanson thanked Ron for his comments.

Mike Armstrong spoke next. He disagreed with Mike Stowe’s contention that there is equal blame on both sides of the debate. There may be two sides , the HOA and the SRD, but the most important side to him is the Fall River Estates side. Our community's well being should be the primary focus. Mike mentioned a conversation he had with Tom McManus on the street recently where he voiced some complaints. Tom’s reply was to say that there is a mechanism in place to remove an HOA Board member and urged Mike to go ahead. Mike commented that if things continue as they have been, he will pursue the procedure to relieve Tom of his position.

Bill Swanson thanked Mike Armstrong for his comments.

Sue Napier questioned the HOA's need for an "emergency" meeting when the subject they intended to discuss has been evolving for the past year. She stated that Tom's demand for mediation would not be justice. A meeting with the whole community might be a better choice. Both arbitration and mediation are very expensive, an expense the whole community would bear, paying, as they would be, for both sides of a legal argument. Sue asked that the HOA withdraw their demand for mediation along with their threats of a law suit.

Bill thanked Sue for her comments.

Tom Mc Manus asked for one more minute to respond to Sue's comments. Request granted. Rick Bestwick, SRD board member left the room once again because of legal challenges brought by Tom against Rick's family. Tom objected to a community meeting because felt that a community meeting would not be an effective way to resolve the issues as it could turn into a mob scene.

Rick Thompson mentioned that he had volunteered for an upcoming position on the SRD Board. He has been a member of the AD Hoc SRD Complaint Committee, the SRD and the HOA. He would like to see the Boards become strong advocates for each other. Aileen Winge commented that this is what they were until recently.

Bill Swanson thanked Rick Thompson for his comments.

Mike Armstrong mentioned that the HOA Email Blast system was set up for emergency use only, (fire approaching, lost dog, cougar in the neighborhood) and should not be used as a platform for Tom's agenda and complaints.

Meeting adjourned by Bill Swanson

These meeting minutes are preliminary as they have not yet been approved by the SRD Board

Respectfully Submitted by

Aileen Winge

Fall River SRD Secretary