



# SURF PINES ASSOCIATION

## Policies and Procedures Manual

March 15, 2024

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## USEFUL TELEPHONE NUMBERS

### **EMERGENCIES 911**

#### **Surf Pines**

Safety/Maintenance	(503) 298-7911
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#### **Agencies**

Clatsop County Animal Control	(503) 861-7387
Clatsop County Community Development Dept.	(503) 325-8611
Clatsop County Sheriff	(503) 325-2061
Clatsop County Soil and Water Conservation District	(503) 325-4571
Gearhart Fire Dept.	(503) 738-7838
Oregon Dept. of Environmental Quality	(503) 229-5393
Oregon Dept. of Fish & Wildlife	(503) 338-0106
Oregon Dept. of Forestry	(503) 325-5451
Oregon Parks & Recreation	(503) 861-3170
Oregon State Police	(503) 325-2231

#### **Utilities**

Cable (Charter Communications)	1-866-731-5420
Electricity (Pacific Power)	1-888-221-7070
Gas (Northwest Natural)	1-800-422-4012
Refuse and Recycling (Recology)	(503) 738-5717
Telephone (Century Link)	1-800-244-1111
Water (City of Warrenton)	
Billing	(503) 861-2233
Service problems	(503) 861-0912

# WELCOME TO SURF PINES

Whether you are a new resident or an established resident, this *Manual* serves as a basic reference and policy booklet about Surf Pines. More detailed information is available through the website ([www.surfpines.org](http://www.surfpines.org)).

## ***Surf Pines Association:***

Surf Pines is incorporated as a nonprofit corporation under the laws of the State of Oregon as a Homeowners Association (HOA). The name of the corporation is *Surf Pines Association* (*Association*). The Association is governed by Articles of Incorporation, Covenants, Conditions and Restrictions (CCRs), Bylaws, and Policies. Other HOA subdivisions with their own CCRs exist within the borders of Surf Pines.

## **Articles of Incorporation:**

The "Articles of Incorporation" includes complete information about the Association, including boundaries, management, membership, and members' voting rights.

## **CCRs:**

The CCRs describe the requirements and limitations of what you can do with your property. The goal of the CCRs is to protect, preserve, and enhance property values in the community.

## **Bylaws:**

The "Bylaws" include complete information about the governance of SPA.

## **Policies:**

Policies of the Association are rules developed by the BOD to control and protect the assets of the corporation.

## ***Self-Managing Community:***

Surf Pines is a self-managing community. The members of the Association manage the community through scheduled meetings and various methods of written communication. As a self-managing community, the community depends on volunteers. Volunteers staff the five-member BOD and the committees. More volunteers are always needed and welcome. Contact any Board member or committee chair to volunteer.

Only two positions of the management team are paid - an administrator/bookkeeper and a safety/maintenance manager.

## ***Administrator/Bookkeeper:***

The Administrator/Bookkeeper advises the BOD and assists the president, the other officers, and the chairpersons of the committees. He/she keeps track of the financial records, prepares checks for payment, prepares invoices as necessary, advises the Treasurer on the financial health of the Association and performs the administrative tasks needed for the Association to function. Additionally, he/she is the liaison with lawyers or government officials, as necessary.

### ***Safety/Maintenance Manager:***

He/she lives in the gatehouse at the south gate and maintains the common properties of Surf Pines by:

- Presenting an image to the public that safety is a priority in the community.
- Patrolling the roads and grounds to observe and either correct or report unsafe conditions.
- Notifying law enforcement agencies when assistance is required.
- Maintaining gate mechanicals and assigning entry codes when required.
- Keeping road signs visible and roads clear of debris.
- Maintaining roadsides, walking paths, and park areas.

### ***Meeting Schedule and Frequency:***

#### **Annual Meeting:**

Typically held in August each year to elect directors, consider an annual budget, and transact other business. All members welcome.

#### **Board of Directors:**

Meets on a schedule determined yearly by the Board, routinely every other month. All members are welcome.

#### **Committee Meetings:**

- Community Relations - Meetings held as required to plan functions.
- Roads & Grounds - Meeting held as determined by the committee.
- Finance – As outlined under finance committee.
- Emergency Preparedness - As required.
- Nominating - Prior to Annual Meeting as required to nominate members for Director positions.
- Ad hoc committee meetings - As required.
- The date, time, and place of meetings is provided on the Association's website ([www.surfpines.org](http://www.surfpines.org)) or the bulletin boards at the north and south gates. All members are welcome at any committee meeting.

#### **Communications:**

In addition to meetings, communication among members of the Association is done via:

- The Association's Web site ([www.surfpines.org](http://www.surfpines.org)), which publishes meeting agendas before the meetings, minutes soon after the meetings, and a wealth of other information.
- The Surf Pines Breeze, a quarterly newsletter
- The Association's Directory, a list of community homeowners. The Directory includes addresses, e-mails, and telephone numbers; it is published occasionally and is available on the website.
- This Policy & Owner Manual, which is periodically updated and available on the website.
- Bulletin boards at the north and south gates, blog, Facebook, Nextdoor and email blasts provide an additional channel of communication.

### ***Emergency Preparedness:***

Surf Pines residents are urged to develop personal plans to keep themselves safe during an electrical outage, a severe windstorm, a fire, an earthquake, a tsunami, or

other emergency. Assisting neighbors, if needed, should be included in emergency planning. Ongoing training is dependent upon volunteers and instructors from outside agencies. Residents who volunteer to become “Neighborhood Captains” may lead small gatherings to provide information, training, and updates, as necessary.

Information provided by the Red Cross and other emergency preparedness agencies is available at the Association office located near the south gate on Surf Pines Lane.

## COMMITTEES

### ***Formation & Responsibilities [Adopted by BOD on 05-2010; Amended on 11-2011]:***

#### General:

The committees are responsible to the BOD and shall advise the Board, make recommendations, and function as the Board directs on issues related to their area of expertise or such other issues as the Board may refer to them. Unless otherwise directed, all committees must have at least five voting members. Contact any Board or committee member if you have an interest in participating in any committee.

You can show your support for our community by volunteering for any of these committees. One of the benefits of participation is getting to know your neighbors. Your input to any committee is always welcome.

#### Surf Pines Committees:

- Standing committee - meets monthly or as needed to advise the BOD of ongoing activities necessary to support daily operations.
- Sub-committee - formed by a standing committee for a specific purpose and meets as directed.
- Annual committee - meets annually as directed by Bylaws or Articles of Incorporation
- Ad-hoc committee - formed at the direction of the BOD for a specific purpose.

#### Committee Membership:

- Committee membership shall be selected to reflect the diversity of opinions within the Association as much as possible.
- Standing committee meetings will be held monthly at the Meeting House, scheduled at least two weeks in advance, and open to all members of the Association.
- Committees will be comprised only of members of the Association in good standing.
- One Director may be a voting member of any standing committee but not its chairperson.
- No member may be a voting member of more than one committee without specific Board approval.
- Committees will be selected from members who submit their names to the BOD, Association Administrator, or a current committee chairperson.
- Committee member names will be reported to the BOD for approval at a regularly scheduled Board meeting after the Annual meeting.
- At the first meeting after the Annual meeting, committees will select a chairperson to lead their meetings and represent them at monthly Board meetings.
- Upon resignation of a member, remaining members will recruit a replacement as soon as possible.
- Committee members absent without committee consent on three or more occasions within a 12-month period will be considered to have resigned their membership.



***Procedures:***

- A quorum is necessary to send recommendations to the Board for action.
- Committee chairs may approve expenditures of up to \$500 provided that the use of the funds is in accordance with existing policy and will not cause the approved budget to be exceeded [***Finance Policy Adopted by BOD on 11-20-00***]
- Minutes of each meeting will be submitted to the BOD for review prior to the monthly board meeting.
- All reports from BOD officers and Committee Chairs are to be provided to the Community Manager within 10 days following a BOD meeting for inclusion in the respective BOD meeting minutes. [***Adopted by BOD on 09-23-2023***]

***Specific Committee Responsibilities:***

***Community Relations Committee (CRC):***

The CRC promotes positive community relations. The committee manages various community social events throughout the year, the major events being the July Picnic in the Park, and the Oktoberfest. Additional community activities/events the CRC manages include:

- Meeting and greeting new residents.
- Planning and organizing the Annual Garage Sale.
- Maintaining the member Directory-updating it and printing as needed.
- Maintaining the entrance reader boards for residents.
- Assisting with the Annual Meeting.
- Planning and organizing various Surf Pines social events (Gardening workshops, wine socials, etc.)

***Roads and Grounds (R&G) Committee:***

The R&G Committee provides recommendations for the maintenance and improvement of Association gates, roads, and other properties. The committee plans for the maintenance and improvement of the safety house, the meeting house, the community park, and beach paths.

Provides recommendations for maintenance and improvement of Association roads and properties. Supervises approved activities including:

- Road and roadside maintenance
- Gate maintenance
- Park maintenance
- Street lighting
- Path development and maintenance
- Water drainage
- Tree trimming/planting
- Brush/tree removal

**Finance Committee [Adopted by BOD 01-06-2023]:**

The objective of the committee is to act in an advisory role to the BOD and provide necessary input, support, and guidance on all HOA financial matters, including:

- Review and analysis of the quarterly P&L and balance sheet and comment on any budget variances to the BOD.
- Work with the Schwindt CPA or selected firm to set annual reserve levels, assist in preparing annual tax return turns as well as year-end CPA prepared reviews and/or audits as required.
- Work with Fieldstone Management LLC regarding banking, insurance, and other financial and accounting aspects of SP operations.
- Complete annual budget and submit it to the BOD for approval.
- Consult with and advise the BOD on all material capital expenditures.

The committee will be comprised of the acting treasurer and at least three other owners. While any member can volunteer for the committee, those with the following qualifications are preferred:

- Finance and/or accounting expertise.
- A commitment and ability to attend meetings and actively participate.

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- Finance and/or accounting expertise.
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**Vacation Rentals [Adopted by BOD on 07-2011]:**

Provides recommendations concerning vacation rental properties in Surf Pines including:

- Drafting guidelines for renters and owners of Vacation Rental properties within Surf Pines for Board approval
- Being the first point of contact and resolution for complaints and other questions concerning Vacation Rentals
- Reporting to the Board on issues and resolutions
- Drafting Bylaws, as directed by the Board, on Vacation Rentals

**Ad-Hoc Committee:**

- Bylaws Committee
- Duties on each occasion as directed by the BOD.

## FINANCE

### ***Development Fee and Road Impact Fee [Adopted by Members on 08-05-2000]:***

The owner of each property, before obtaining a road use authorization letter from the Association for a new home or other principal building, shall pay to the Association a Development Fee and a Road Impact Fee.

- 1 \$1000 is payable upon commencement of construction of a new home or other principal building.
- 2 Shall be deposited in a separate account known as the “Surf Pines Community Development Account.” Other funds of the Association may be budgeted for transfer to the Account.
- 3 The resources of the Account may be used for any capital investment and for the maintenance, repair or replacement of any capital investment which serves or benefits the members of the Association.
- 4 Except as provided below, before funds are drawn from the account, they shall be included as part of the annual budget approved by the members.
- 5 When the BOD declares an emergency, it may expend resources of the Account for authorized purposes in an amount not exceeding \$10,000 annually without prior approval of the members and shall report on its action at the next Annual Meeting.
- 6 Fifty cents [\$.50] per square foot of livable area [excluding porches and garages] payable upon commencement of construction of a new home or other principal building.  
[Adopted by members 8-05].

### ***Member’s Dues and Other Fees:***

The fiscal year begins on July 1 and ends on June 30. Quarterly dues from all property owners finance the Association’s operating budget and reserves for depreciable items. Dues are to be billed on the first day of each quarter for services during the quarter and are payable by the end of the month billed. ***[Adopted by BOD 06/16/2023]***

Dues <b><i>[Adopted by Members on 09-16-2022]</i></b>	\$175.00 per quarter billed in arrears
Gate Fees	\$225.00 payable upon commencement of construction of a new home or other principal building [Revised 2-06]
Charges for cost of collecting delinquent dues and other fees through the lien process <b><i>[Adopted by BOD on 03-18-02]</i></b>	\$40.00 added to amount delinquent, plus recording fees

### ***Board Spending Limit and Authorization:***

- Under \$500 - signed by any Director
- \$500 or greater - must be signed by two Directors.
- An individual may not sign a check making a payment to himself/herself ***[Adopted by BOD on 01-2006]***

### ***Identity Theft Policy:***

This policy was instituted to comply with the Federal Trade Commission “Red Flags Rule.” It is printed as a separate document provided to staff, Board and committee members, and contractors dealing with sensitive information. ***[Adopted by BOD on 5-10]***

***Invoices:***

- Under \$500 - must be approved by a director or the Administrator
- \$500 or greater - must be approved by the Treasurer or officer authorizing charges.
- EXCEPTION: An individual may not approve an invoice approving payment to himself/herself ***[Adopted by BOD on 01-2006]***

***Expenditures [Adopted by BOD on 11-2000]:***

Committee chairs are authorized to approve expenditures of up to \$500 provided that the use of the funds is in accordance with existing policy and will not cause the approved budget to be exceeded.

***Multiple Lots in Single Ownership [Adopted by BOD on 09-2001]:***

Whenever a member develops two contiguous parcels of land as a site for a single home in a manner which precludes the future use of one of the parcels for another home, dues shall be assessed for a single parcel effective the calendar quarter following receipt of a written request for the change from the member.

***CPA Prepared Audited and Reviewed Financial Statements [Inserted by BOD 11-11-2021]:***

Financial statements reviews are required for fiscal years ending 2022, 2027, 2030, 2033, 2036, 2039, 2042, etc. Financial audits are required for fiscal years ending 2025, 2034, 2043, etc. This reiterates what is in the Association bylaws.

***Dues and Assessment Collection Policy [Adopted by BOD 11/15/22]:***

1. Quarterly assessments are due on the last day of the month of the dues statement, and, if not paid within 30 days of the due date, are considered delinquent and automatically become a lien against the lot pursuant to ORS 94.709.
2. A monthly late fee the amount of the greater of \$15.00 or 5% of the total unpaid balance will be added to any unpaid balance each month. If a payment check is dishonored or not accepted by the bank due to insufficient funds (NSF) or any other reason, the sum of \$35.00 will be added to the owner's assessment, and a Notice of Dishonor may be sent to the owner. Any returned check constitutes a late payment, and a late fee will be assessed pursuant to Section B of this policy.
3. All costs of collection including, but not limited to, attorney fees, recording fees, court costs, and filing fees, shall be assessed against the delinquent owner.
4. Whenever a collection matter has been referred to a third-party collection agency or to an attorney, neither the Board nor any of its agents shall discuss the collection of the account directly with the owner. All communication regarding a delinquent balance or the collections process shall be between the collector and the owner. This provision does not limit discussion between the Board or its agents and a delinquent owner about any matter unrelated to a delinquent balance or the collections process.
5. Referral of delinquent accounts to a third-party collection agency or to an attorney requires approval of the BOD in executive session.

***Collection Procedure [Adopted by BOD 11/15/2022]:***

1. Once an assessment is more than 30 days delinquent, the Association will send notice to the owner with the amount due and demand immediate payment. Once an assessment is more than 60 days delinquent, the Association will send a second notice to the owner with the amount due and demand immediate payment.
2. Once the assessment is 90 days delinquent, the Association shall turn the file over to the Association's attorney or a collection agency ("the Agency"). The Agency will then:
  - 2.1. Send a demand for payment; and
  - 2.2. Record a lien against the lot at its discretion.
3. After the file has been turned over to the Agency, all contact with the delinquent owner will be through the Agency.
4. If the Assessment is still not paid more than 35-45 days from the Agency's notice, the Agency will send a final letter demanding payment within 10 days. The letter will state that the Association intends to sue the owner and may state that the Association will foreclose on its lien.
5. If the assessment is not paid after the Agency's 10-day letter, the Association will file suit against the owner, file a suit to foreclose on its lien, or both.
6. After the Association obtains a judgment, the Agency will begin collection of the judgment by:
  - 6.1. Garnishing the owner's bank account.
  - 6.2. Garnishing the owner's wages.
  - 6.3. Executing a writ against the owner's real or personal property; and/or
  - 6.4. Any additional methods authorized by law.
7. At any time after the file has been turned over to the Agency, upon approval by the Board, the owner may enter into a payment plan. The plan may be secured by a Confession of Judgment per the Agency's discretion.
8. Payments from the owner, through a judgment, or via a payoff shall be made to the Agency. The Association grants the Agency a limited power of attorney to endorse and deposit checks made payable to the Association or its manager. Payments may be partially or wholly applied to the Agency's fees and will be disbursed to the Association pursuant to an agreement between the Agency and the Association.
9. Nothing in this resolution prevents the Association from taking any other actions against an owner, including termination of utilities, and preventing access to recreational or service facilities at the community.

***Information Requests [Adopted by BOD on 11/19/2021; Amended 01-06-2023]***

Surf Pines charges a fee of \$100 for a standard real estate buyers package or the actual cost for providing additional documents outside of that scope.

***Capitalization Policy [Adopted by BOD on 06/16/2023]***

All purchases of personal property less than \$7,000.00 shall be expensed. All expensed property shall be considered for inclusion in the reserve study as a component.

***Polo Ridge Fees [Adopted by BOD 09-23-2023]***

The Road Impact fees received from Polo Ridge are to be designated for the Surf Pines Road section of the Reserve Account.

***Motion - Contingency Fund [Adopted by BOD 03-15-2024]:***

The contingency fund is to represent 10% of SPA annual operating income and sustained at that level. The full funding level need not occur in one fiscal year.

***Competitive Bidding [Adopted by BOD 03-15-2024]:***

Contingency Funds may only be used in situations to cover unanticipated funding needs of the HOA, including capitalized maintenance. Examples include natural disasters, health emergencies, infrastructure, and facilities and building repairs not covered by normal budgeting or insurance. A majority of the BOD must approve any use of funds and notify all homeowners as to the purpose and amount of any withdrawals from this fund.

Any purchase of services, materials and/or equipment over \$2000 requires a thorough competitive bidding process unless dictated otherwise by the Board of Directors. In all cases Surf Pines must receive a Certificate of Insurance from the company providing the services, materials and/or equipment before commencing said services.

## **ROADS & GROUNDS**

### ***Road Transfers [Adopted by BOD on 06-2001]:***

After June 19, 2001, the Association will accept ownership and/or responsibility for roads within its boundaries only when:

1. The road has been constructed in accordance with standards and specifications prescribed by Clatsop County including an asphalt or concrete road surface, or if no surface standard exists, to a standard acceptable to the Directors.
2. Any apparent defects in the road base or asphalt/concrete surface at the time of transfer to the Association have been corrected to the satisfaction of the Board.
3. A deed or permanent easement for the road right of way is granted to the Association.

### ***Road Maintenance [Adopted by BOD on 11-2001]:***

The Association is responsible for the maintenance of the following roads: Manion, Ocean, Malarkey, Sea Breeze, Horizon, High Surf, Surf Pines Lane, Silverspot, Surf Pines Landing, Shady Pine, Lakeside Ct., Stellar Lane, and Pine Ridge to Shady Pine. Maintenance of other roads and driveways serving the abutting properties is the responsibility of the property owners and will be maintained by the Association only when the conditions of the Road Transfer Policy [adopted June 18, 2001] are fulfilled.

### ***Right of Way Landscaping [Adopted by BOD on 11-2003; Amended on 12-2006]:***

After December 15, 2003, property owners are permitted to landscape the street right of way adjacent to their property, including the removal of trees less than six inches in diameter provided:

- No berms, rocks, fences, or other materials that could cause damage to a vehicle or impede pedestrian traffic are allowed within five feet of the pavement.
- No trees may be planted closer than 15 feet of pavement edge.
- Trees or other installed materials do not diminish the existing view of other members.
- Trees or other installed materials do not obstruct the vision of drivers to oncoming traffic.
- Property owners shall obtain approval of the R&G Committee before altering the height or removing trees six inches in diameter or larger.

### ***Road Construction [Adopted by BOD on 09-2003]:***

Clatsop County construction standards and specifications apply whenever a road or a portion of a road is built or rebuilt.

### ***Road Repair Requirements [Adopted by BOD on 04-2010]:***

#### **Objective:**

Maintain the road surface following cross trenching or excavation in or alongside the roadway to provide a smooth transition from the original pavement to the patched surface and back to the original pavement.

### Requirements:

Contact the Association Safety/Maintenance Manager office at (503) 738-0637 to obtain approval for excavation prior to beginning.

Approval of the Association Administrator or the R&G Committee must be obtained prior to excavating across, in, or alongside road pavements.

Permission will be granted for excavating across road pavements only when it is demonstrated that the required repair or improvement cannot be installed in any other manner.

Failure to comply with these requirements will result in the offending contractor being billed for the cost of damage suffered by the Association and may result in denial of future opportunity to engage in work on Surf Pines right of ways.

### Procedures

- Contractors, utilities, and others who find it necessary to excavate through the pavement of streets or excavate the road shoulder within 24 inches of the pavement shall restore the pavement and/or shoulder in accordance with the following procedures.
- Prior to excavation, contact the Oregon Utility Notification Center at 1-800-332-2344 to obtain locations of water lines, natural gas lines, underground electrical, phone lines, and television cable.
- Notify the Association Safety/Maintenance office at (503) 738-0637 before beginning restoration of road pavements or shoulders.
- Before commencing any trenching, appropriate advance warning to oncoming drivers shall be posted on both sides of the trenching. If complete closure of the road is necessary, appropriate detour signs shall be posted. If a trench must be open for more than four hours, traffic shall be restored using steel plates, planks, or other satisfactory methods.
- No more than 100 feet of trench longitudinally along the road shall be open at one time and no trench shall be left in open condition overnight.
- Trenching alongside roadways and other excavations within 24" of the pavements shall be backfilled and compacted as quickly as is practical. The excavation shall be backfilled with existing sand or pit run to a depth of 18" below the top of the finished grade, add 12" of 3" minus base rock, then fill the top 6 inches with 3/4" minus crushed rock. Compaction of each lift shall be done by mechanical compaction devices.
- Trenched or excavated edges in paved areas shall be saw cut to neat line. If the cut edges become broken back during construction, they shall be re-cut and the asphalt removed to provide a neat straight line. Pavement within the cut and excavated area, along with all other excess excavated material, shall be removed and disposed of either off premises or as directed by the Association.
- Trenches or excavations in roadways must be backfilled immediately after the item authorized by permit has been placed in a trench. The excavation shall be backfilled with sand or pit run to a depth of 18" below the top of the pavement, add 12" of 3" minus base rock, add 3" of 3/4" minus crushed rock, then, repaved as described in the final patch directions. If not repaved immediately, the final 3" will be temporarily filled with 3/4" minus crushed rock until the final patch can be completed. Compaction of each lift shall be done by mechanical compaction devices.



- The final patch over the excavation shall be repaired by removing the pavement one (1) foot on all sides of the excavation, tapering the joint and repaving the excavation with hot mix asphalt at least 3” in thickness or the thickness of the removed asphalt, whichever is greater.
- The final replacement of the asphalt surface shall be in accordance with the American Public Works Association (APWA) Oregon Specifications for hot mix asphalt. The patch shall match the depth of the existing pavement but shall be no less the 3”. The surface of the gravel shall be cleaned so it is smooth and free of debris before placing asphalt. If the existing asphalt is more than 3”, the asphalt shall be placed in two compacted lifts. The patch shall be roller compacted to a smooth uniform surface with a density of no less than 92%. No paving shall be done without notice to Surf Pines Safety so that the work can be observed.
- In the event a paved street is excavated without prior approval of the R&G Committee, or an excavation is not backfilled in accordance with this requirement, the contractor will pay the Association an amount equal to three (3) times the actual cost incurred by the Association for the installation of the final repair. This compensates the Association for the cost of evaluating the work done, determining what needs to be done to comply with this policy, selecting a contractor to make the repairs, and other related costs.
- The estimated cost to be incurred by the Association in completing this work will be paid by the contractor at the time permission to open cut the road is given. If the estimated cost is less than the actual cost incurred at the time of the final repair, the difference will be billed to the contractor.

***Tree Trimming/Topping Policy [Adopted by BOD on 03-2010; Amended on 11/1/2021]:***

*Objective:*

Provide Surf Pines property owners the procedures and rules for requesting and receiving permission to top, trim, or remove trees and brush located on Association properties and right of ways to enhance views and/or provide a park like surrounding.

*Requirements:*

- The requesting party or parties must agree in writing to fund the entire project.
- A licensed tree professional must complete all work.

*Procedures:*

- Written requests, including any supporting documents, are to be sent to:  
Surf Pines Association Administrator  
33317 Surf Pines Lane  
Warrenton, OR 97146
- The Association Administrator will notify all property owners within a 500-foot radius of the proposed project except where a member(s) requesting the work and the member(s) whose property abuts the right of way on which the work will occur, agree on the manner and scope of work.

- Neighboring property owners will have 21 days to provide written comments of approval or disapproval to the SPA Administrator. This is not applicable if the homeowner(s) requesting the work and the homeowner(s) immediate to the right-of-way on which the work will be done, agree on the scope of work.
- Written approval or disapproval of the request will be provided by the RG Committee within 10 days following the close of the comment period.
- In addition, written consent of the R&G Committee must be obtained prior to removing trees 6" in diameter or larger.
- Trees topped or trimmed must be left healthy and pleasing in appearance.
- All limbs, brush and other trimmings within the project area must be cleaned up and removed or chipped. If debris is chipped, it may be spread evenly within the project area.

***Disposal of Debris Resulting from Land Clearing [Adopted by BOD on 01-2005]:***

It is the policy of the Association that all logs, limbs, brush, and other debris created by or resulting from the clearing of land in advance of the construction of a home [or for any other purpose that results in a large quantity of material] will be disposed of in a manner other than using fire. Options include but are not limited to chipping the debris and spreading on the property that has been cleared or trucking the debris out of Surf Pines for disposal elsewhere. Questions about allowable quantities to burn can be addressed by the Safety/Maintenance Manager.

***Yard Signs [Adopted by BOD on 06-2007]:***

Real estate sale signs, yard sale signs, political signs, and other similar signs may only be located on private property. County regulations limit name plate signs on a home to 1.5 square feet and signs pertaining to the rental or sale of a property to eight square feet. The Association will remove any signs posted upon its property [roads, park, etc.] and notify the owners, if known, to pick them up at the Surf Pines office located at 33316 Surf Pines Lane within 7 days.

EXCEPTION - Directional signs for real estate open houses and garage sales may be posted on road right of way the day of the event but must be removed by the end of the open house or sale.

***Use of Community Park [Adopted by BOD on 05-2004]:***

Surf Pines Park, a community park, is located at the corner of Ocean Drive and Horizon and available to all members and their guests. The Park includes a barbecue, picnic tables, swings, a horseshoe pit, a volleyball court, and a playfield. Groups may use the park for picnics, weddings, receptions, and other gatherings provided that at least one member of the group is also a member of the Association.

- The Association member is responsible for scheduling the use of the Park through the Safety/Maintenance Manager. It is available on a first-come, first-served basis.
- The Association member is responsible for cleaning the park after the gatherings.
- The Park may not be used for religious, political, or other types of rallies.
- The Park is not available for exclusive use.

## ***Roads and Paths:***

### **Roads:**

All roads shown on the map, except those designated as private streets, are owned and regulated by the Association. Motorcycles and all other motor vehicles operated on the roads of Surf Pines must comply with Oregon law, and they must be operated only on roads. All-terrain vehicles (ATVs) are prohibited on the roads of Surf Pines, on easements, beach paths, and on the dunes. The only place that ATVs may be driven in Surf Pines is on private property.

### **Beach Paths:**

Paths provide access to the beach for members and their guests. Currently, beach access is at six locations and marked with signposts, "To Beach":

- Path #1 - Just north of 89066 Ocean Drive
- Path #2 - Just north of 89254 Ocean Drive
- Path #3 - Ocean Drive at High Surf
- Path #4 - Ocean Drive at Horizon
- Path #5 - Just north of 89956 Ocean Drive
- Path #6 - Ocean Drive north of Malarkey

*Note: Each path has a locating post on the beach marked with the path number.*

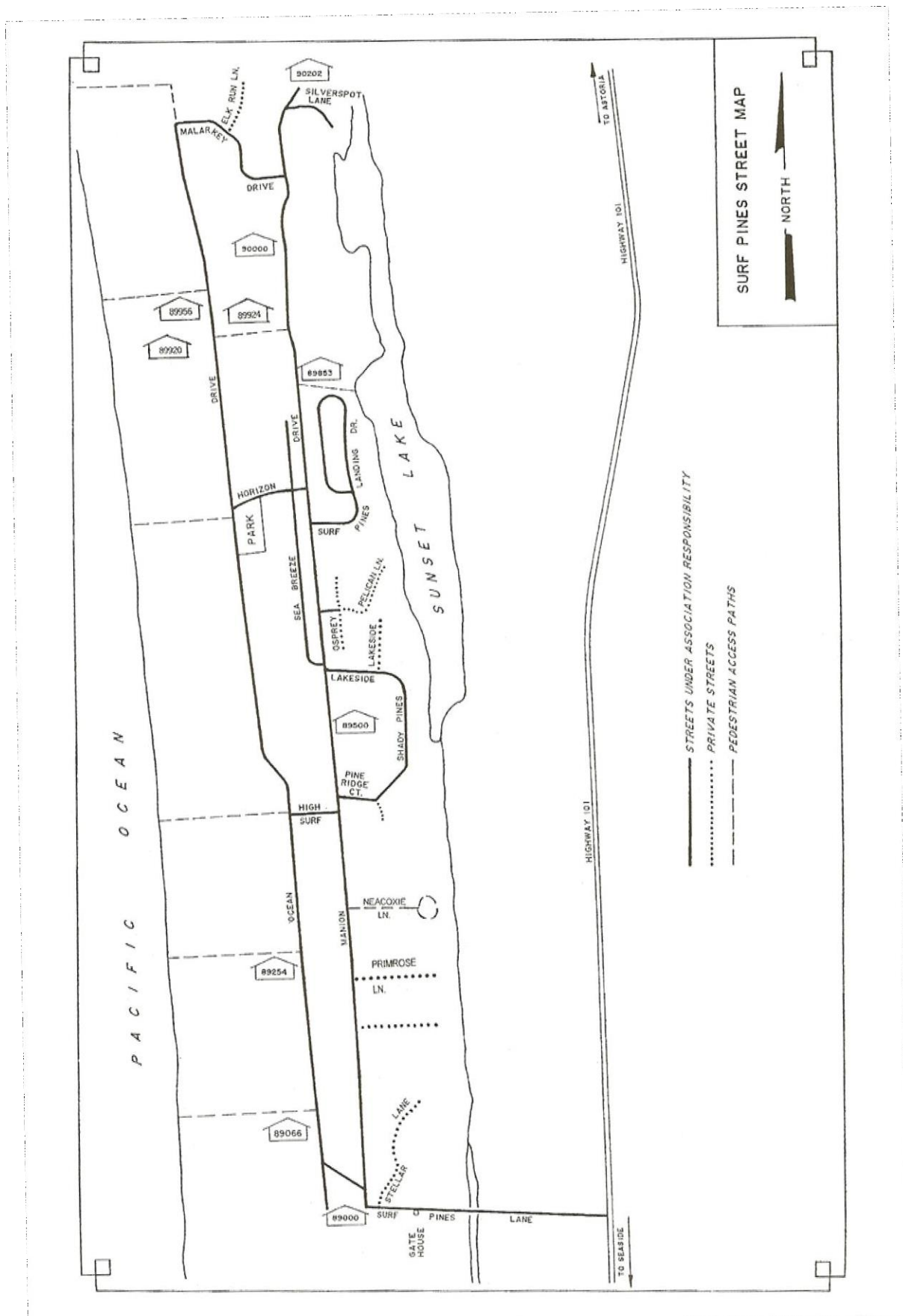
All paths to the beach are for foot traffic only. Please respect the private paths located on individual member's private property.

Any vehicle traffic on either the dunes or the paths to the beach should be reported to the Oregon State Police for action and to the Safety/Maintenance Manager for the record.

- Do not confront trespassers.
- Do not endanger yourself.
- Get a license plate number and as complete a description as possible of the vehicle, the driver, and the occurrence of driving on the dunes, including time, place, and a video if possible.

### **Additional Paths:**

- The path from Manion Drive to Ocean Drive is located near 89924 Manion Dr and 89920 Ocean Drive
- Sunset Lake access is provided to members, guests, and their boat trailers. Access is located just south of 89853 Manion Drive and is marked with a signpost, "To Lake 6."



## SAFETY

The safety of residents and property in Surf Pines are priorities. The Safety/Maintenance Manager is not a police officer or a dog catcher. His/her safety responsibilities are:

- 1 Report any suspicious or illegal activity to the appropriate authorities.
- 2 Monitor vehicle speed on the roads of Surf Pines to protect residents and wildlife.
- 3 Ensure rules concerning no hunting and no fireworks are followed.
- 4 Report on uncontrolled dogs to Clatsop County Animal Control.

You can support the Safety/Manager by adhering to the rules of the Association and keeping a watchful eye on the activities around you.

### ***Gate Procedures – Residents and Guests:***

Immediately report all gate problems, malfunctions, or damage to the Safety/Maintenance Manager at (503) 298-7911 (cell) or (503) 738-0637 (office)

#### *Using a Gate Code:*

1. Procedure to open gate using guest code:
  - a. Using the digital keypad:
    1. Press Enter
    2. Enter gate code.
    3. Press Access
  - b. Once the gate arm turns from red to green and the gate arm goes up, then drive through the gate safely.
  - c. The gate arm is on a timer - you have a time limit of **10 seconds** to enter through the gate.
  - d. The gate will begin flashing red to notify you that the gate arm will be closing. Do not speed through the gate to get through. You will need to wait until the gate closes and re-enter your code to access the gate.
2. **Do not allow any vehicle to tailgate you through the gate.** Only one car at a time, per code. If you allow a car to follow you in, the car that follows you in is registered as using the gate with your personal gate code, making that car your responsibility!

#### *Using a Gate Remote:*

1. Upon approaching the gate, slow down and press your gate remote operator as you come to the kiosk.
2. Once the gate arm turns from red to green and the gate arm goes up, then drive through the gate safely.
  - a. The gate arm is on a timer - you have a time limit of 10 seconds to enter through the gate.
  - b. The gate will begin flashing red to notify you that the gate arm will be closing - STOP, DO NOT speed through the gate to get through. Press your gate remote again and wait until the gate reopens.
3. Do not allow any vehicle to tailgate you through the gate. Only one car at time, per code. If you allow a car to follow you in, the car that follows you in is registered as using the gate with your personal gate code, making that car your responsibility!

### Visitor Without a Gate Code:

1. Upon approaching the gate, stop at the kiosk to use the digital screen. Follow the instructions on the screen to find the resident's name followed by a special number (not the telephone number).
2. The visitor enters the special number on the keypad, thereby connecting through the Metro system to the resident's landline.
3. The resident answers the phone and after identifying the visitor; the resident will press 9 on the phone to allow access to open the gate or will hang up to refuse the visitor keeping the gate closed.
4. The call is short. After the resident answers the call, the 9 key must be pressed within 90 seconds or the connection is broken, requiring the visitor to start the process over by reentering the special number given for the resident.
5. The resident must have a landline to use this kiosk service; it does not work with a cell phone.
6. Once the gate arm turns from red to green and the gate arm goes up, then drive through the gate safely.
  - a. The gate arm is on a timer - you have a time limit of 10 seconds to enter through the gate.
  - b. The gate will begin flashing red to notify you that the gate arm will be closing. Do not speed through the gate to get through. Press your gate remote again and wait until the gate reopens.
7. Do not allow any vehicle to tailgate you through the gate. Only one car at time, per code. If you allow a car to follow you in, the car that follows you in is registered as using the gate with your personal gate code, making that car your responsibility!

### After Hours Gate Access: (Adopted by BOD on 09-16-2022)

If Surf Pines' Maintenance and Safety Manager is contacted after hours for gate access into Surf Pines, proof of residence or rental must be provided. A fee of \$75 will be assessed to the homeowner. Normal contact hours are 8:00 AM to 5:00 PM Wednesday through Sunday. Fees can be appealed to the BOD.

### Exit Gate:

Unlike the entrance gates, the exit gates open automatically as a vehicle slowly crosses over the white diamond painted on the pavement as you approach the exit gate. The gate arm lights will turn from red to green notifying you it is safe to exit. The gate will automatically close once you exit.

### **Vehicle Speed:**

Excluding Surf Pine Lane east of the south gate, all roads administered by the Association are private roads and are posted for a vehicle speed of 25 miles per hour. Persons operating a motor vehicle on Association roads whose vehicle is clocked by radar exceeding that speed are subject to an assessment. Observations of excessive speed by other than radar may result in letters requesting the alleged violators to carefully observe the posted 25 mph speed.

In instances where a law enforcement officer observes driving in a manner that constitutes the criminal offense of "recklessly endangering" the safety of others (such as pedestrians) an arrest may be made even though it occurs on our private roads.

Observations of speeding determined by radar measurement will be reported to the Board at its next meeting.

1. The Board shall:
  - a. Notify the alleged violator of its intent to levy an assessment for the infraction of this policy as provided by Section 8.1[a] of the Bylaws.
  - b. Provide an opportunity for the alleged violator to request a hearing to explain or justify the reasons for exceeding the posted speed limit.
2. Following the hearing, or if the violator does not request a hearing within 15 days of the notice of the intent to levy an assessment, the Board may impose an assessment according to the schedule currently used by the State Courts:

<b>MPH in Excess of Posted Speed</b>	<b>Assessment (7-07)</b>
1-10	\$97
11-20	\$145
21-30	\$242
Over 30	\$427

Upon imposition of an assessment, notice of the action shall be published in the next issue of the BREEZE.

3. Assessments levied against members shall be collected in the same manner as dues and assessments provided for in Section 9.6 of the Bylaws.
4. Assessments to guests, contractors, and other service persons, if not paid within 30 days, may result in action by the Board to deny further access to Association roads or in other discipline as determined by the Board.

***Real Estate Sales Access to Surf Pines [Adopted by BOD on 1-2010]:***

Real estate sales transactions in a gated community present additional safety issues. To enhance the safety of its residents, the Association follows these guidelines:

1. Each recognized real estate office that conducts business in Surf Pines will receive one (1) unique gate access code for use by all employees of that office. The code will be functional between the hours of 6:00 a.m. and 9:00 p.m. daily.
2. Real estate offices will receive a letter from the Safety Committee regarding safety procedures while in Surf Pines along with a request to protect unauthorized distribution of the assigned code. Unauthorized distribution of an office code may result in being denied access to Surf Pines.
3. Clatsop County Multiple Listing Service (MLS) is not recognized as a real estate office and will not receive a gate access code for use or distribution.
4. Inquiries regarding this policy may be directed to the Association Administrator.

***Surf Pines Safety Official Involvement [Adopted by BOD on 01-06-2023]:***

If Surf Pines' safety official or other Surf Pines Agent is involved mitigating issues in conflict with any Surf Pines governing documents or local laws and are attributable to an owner or at an owner's residence, a \$500 fee shall be assessed to the respective homeowner each time the SP Safety official is involved. This is to compensate Surf Pines for the cost of the safety official's time mitigating and documenting the conflict, and if necessary, contacting the necessary municipal service(s).

***Gate Access for Open Houses, Garage Sales, Estate Sales, and Moving Sales [Adopted by BOD on 04-2010]:***

To maintain an appropriate level of resident safety while accommodating the individual needs of its residents, the Association is guided by the following policies:

***Real Estate Open House:***

A licensed real estate agent or homeowner may conduct an open house for the purpose of attracting customers and sale of the residence shown. An open house may be held on the last Saturday of the month and/or the following Sunday. A request to conduct an open house must be made to the Safety/Maintenance Manager not less than one week before the event. The request must include the name, office, and contact number of the real estate agent conducting the event, the address for the open house, and the date(s) and times of the open house. No open house may begin before 9:00 a.m. or close later than 4:00 p.m. The Safety/Maintenance Manager will be responsible for opening the North and South gates during the times of the open house.

***Garage Sales: [Amended 5-20-2022]***

The Association sponsors two annual garage sales in conjunction with its Fourth of July Celebration and another date. Residents are encouraged to use these opportunities for garage sales. A request to conduct other garage sales must follow the same procedure as Estate and Moving Sales, as stated below.

***Estate Sales and Moving Sales: [Amended 5-20-2022]***

Sales that support liquidation of an estate (estate sale) or that accommodate the sale of a residence and subsequent move (moving sale) may require different timing than SP's annual garage sale. In the instance of an estate or moving sale:

1. The person or company requesting the sale must do so through the Safety/Maintenance Manager at least two weeks in advance of the sale and include the contact information of the individual in charge of the sale and the date(s) and times of the sale.
2. The person or company managing the sale must complete a Surf Pines contractor liability waiver.
3. No estate sale or moving sale may begin before 9:00 a.m. or extend later than 4:00 p.m.
4. The Safety/Maintenance Manager will issue the requestor a unique time-limited code for gate access during the date(s) and times of the estate or moving sale. The gates will not remain open. The access code should be included in event advertising.
5. The person in charge of the estate sale shall provide a designated person to manage road congestion and ensure all customers park only on one side of the adjacent road to the sale site. Any deviation from this will void approval of the estate or moving sale.
6. At least one week prior to the sale date, a \$100 Administrative Fee payable to Surf Pines Association must be received by Surf Pines' Safety/Maintenance Manager.



***Signs:***

Printed directional signs on removable stakes or sandwich boards may be used during an open house, garage sale, estate sale, or moving sale. No sign may be affixed to the gates, barriers, street signs, traffic control signs, utility poles or other Association property. Any sign placed in support of an open house or sale must be removed at the end of the day of the event.

***Guidelines for Burning Brush and Other Debris [Adopted by BOD on 05-2004]:***

The burning of brush and debris in the Surf Pines Community is always a concern because of the risk of the uncontrolled spread of fire. If you plan to burn, you are asked to take several steps to reduce this risk.

1. Burning may be banned at any time due to extremely dry conditions. Before you start to burn, contact the Gearhart Fire Department [(503) 738-7838] and Oregon State Forestry [(503) 325-5451] to learn if they have any concerns about burning that day.
2. Burning shall always be attended.
3. All burning shall be conducted during daylight hours only. (*Exception: recreational and/or cooking fires.*)
4. All burning shall be in burning barrels or piles no larger than 4ft. x 4 ft. Piles larger than 4 ft. x 4 ft. shall have approval from the Safety/Maintenance Manager prior to ignition.
5. All piles and barrels shall be clear of all combustibles (brush, grass, etc.), and shall be no closer than 50 feet to any structure (building, fence, etc.)
6. Smoke from a burn that affects health or causes property damage shall not be allowed.
7. An effective means of extinguishment shall be available on site (hose, extinguisher, tools, etc.)
8. All fires shall be completely extinguished prior to leaving.
9. Other rules may affect burning within your area. Please call the Department of Environmental Quality at (503) 229-5393.
10. If a nearby brush fire either seems out of control or smoke from such a fire is creating a nuisance, please call 911 and report the condition to the dispatcher who will then dispatch the Gearhart Fire Department and/or the State Forestry Department to extinguish the fire.

Violation of these guidelines may result in liability for response of fire department apparatus and personnel.

***Vendor Access Agreement [Adopted by BOD on 03-21-2021]:***

All vendors who are provided a gate access code or clicker must sign a Vendor Access agreement. A copy of the agreement the resolution signed by the BOD is in the appendix of this document. It is the responsibility of Surf Pines Safety and Maintenance Manager to effect this and periodically report compliance to the BOD.

## MISCELLANEOUS

### ***Alcohol and Controlled Substances [Adopted by BOD on 01-2000]:***

This policy applies to all employees of the Association.

The Association maintains a drug and alcohol-free workplace and will not tolerate drug and alcohol use on the job. Prospective employees are required to pass a substance abuse test prior to employment.

Employees of the Association shall not:

1. Consume alcoholic beverages or be under the influence of alcohol when performing duties for the Association.
2. Be under the influence of, possess, use, manufacture, distribute, dispense, sell, or purchase illegal drugs or other controlled substances [as defined by state and federal law] while performing duties for the Association or on the premises of the Association.

Any employee in violation of this policy shall be subject to discipline, including termination.

### ***Herbicides [Adopted by Members on 08-2016]:***

- The Association will use no toxic herbicides in the park, on the right of ways, on the beach paths or on the Manion property.
- Individual property owners may choose to use herbicides on their own property but need to be mindful of the weather in order not to spray on the right of ways or on the property of their neighbors.
- Each property owner who engages a lawn or tree service for the purpose of spraying must inform their service provider of the moratorium and to display the necessary respect for public and private property.

### ***Nuisances [BOD Discussion on 10-2000]:***

The Association will work to abate nuisance problems whenever the problem created becomes a general nuisance in the community. Until that time, members are individually encouraged to take action to address the nuisance problem affecting them.

### ***Letters to Members Regarding Conduct [Adopted by BOD on 07-2003]:***

Letters will be sent by the President to a member whose conduct, or the conduct of their guests, may be contrary to the quality of life that is desired in the community. Before a letter is sent there must be at least one documented record of the event that is the subject of the letter.

### ***Assessments for Nuisances or Hazardous Conditions [Adopted by BOD on 09-2003; Amended on 11-05-2021]:***

The assessment for failure to correct a hazardous condition or general nuisance described in Section 9.2 of the Declarations (CCRs) is either \$10.00 per day or \$100 per occurrence. Prior to any assessment, the homeowner must be notified in writing of the policy infraction and the potential for assessment if the hazardous condition or general nuisance does not cease.

***Dogs and Other Pets:***

Dogs in Surf Pines should be either confined, kept on a leash, or under voice control. Per Section 9.2(6) of the Declarations (CCRs), the BOD may impose an assessment when a dog is allowed to run loose out of sight of the owner. Dogs and other pets must be controlled so that they are neither a danger nor a nuisance to either residents or wildlife.

According to a Clatsop County ordinance, a dog is either a danger or a nuisance if it:

- Bites any person.
- Chases either people or vehicles.
- Damages the property of a person other than the owner of the dog.
- Trespasses on the property of a person other than the owner of the dog
- Scatters garbage
- Disturbs any person by frequent or prolonged barking.
- Is a female in heat running at large?

If a neighbor's dog is a problem because it runs loose, the simplest solution often is to talk with your neighbor and make him/her aware of the problem. If the problem persists, report it to the Safety/Maintenance Manager, who, if necessary, will report it to Clatsop County Animal Control for action. No animals, other than domestic household pets, may be kept on any part of a property in Surf Pines. Animals may not be bred or raised for commercial purposes or kept in unreasonable numbers. A maximum of five dogs is permitted at any residence.

***Fireworks:***

To reduce the risk to residents and property presented by fireworks, the use of fireworks of any kind, including firecrackers, is prohibited in Surf Pines, except on the public beach, where state laws are strictly enforced by the Clatsop County Sheriff and the Oregon State Police.

***Firearms and Hunting:***

- Discharging a firearm is prohibited in Surf Pines. Any use of firearms should be reported to the Safety/Maintenance Manager, who will report the incident to the Clatsop County Sheriff
- Hunting of any kind is prohibited in Surf Pines. Any hunting should be reported to the Safety/Maintenance Manager, who will report it to Oregon State Police and Department of Fish & Wildlife. Do not confront a hunter. Do not endanger yourself. But do get as complete a description as possible of the hunter and the occurrence of hunting, including the time and place.
- Pursuing, molesting, trapping, injuring, and killing animals and birds in Surf Pines is prohibited without the approval of the BOD. As an exception to the rule, control of damaging rodents is permitted, if it is accomplished in a manner that does not endanger children, pets, or other wildlife. Poisons that might be dangerous to people, pets, or other wildlife are to be avoided.

***Rules for Use of Meeting House [Adopted by BOD on 06-2007]:***

1. Any resident of Surf Pines may reserve the space by contacting the Association. Administrator up to six months in advance of its use on a first come, first served basis.
2. An adult resident of Surf Pines must be present the entire time the building is occupied.
3. Activities must be appropriate for the space, i.e., committee meetings, club meetings, parties, etc. However, religious or political meetings are not permitted.
4. Arrange with the Safety/Maintenance Manager 48 hours in advance to obtain the key.
5. Smoking is not permitted in the building and alcohol is prohibited.
6. Tacks and tape may not be used to mount anything to the walls, except to the map rail provided on the front wall for that purpose.
7. Folding chairs, tables, stove, and coffeemaker may be used during the activity but must be left clean and returned to the place from where they were obtained. A refrigerator is not provided.
8. Take precautions to prevent damage to the building and its contents, but if damage occurs, please report it to the Safety/Maintenance Manager before leaving.
9. Leave the building as clean as you found it. A vacuum sweeper and cleaning supplies can be found in the garage and are provided for your use.
10. Before leaving the building at the conclusion of the activity:
  - a. Make sure the stove and coffeemaker are turned off.
  - b. Turn off the lights.
  - c. Lock all the doors.
11. Return the key to the Safety/Maintenance Manager and report any problems experienced during your use of the Meeting House immediately upon the conclusion of your activity.

## **BOARD OF DIRECTORS**

### ***Code of Conduct: For BOD and Staff [Adopted by BOD on 06-2010]:***

This document was adopted to provide guidance to Directors and staff and meet best practices for non-profit organizations. The document is reviewed and signed by the respective party and retained by the Association Administrator.

### ***BOD Process [Adopted by BOD 04-2009]:***

The policy clarifies Article 6.7 - ACTION WITHOUT A MEETING.

This method will only be used for decisions that are urgent and should not be postponed until the next BOD regular meeting. Use of email or teleconferencing is the expected methodology.

Only a director may introduce a subject for the action; that same Director must attempt to contact all Directors to be involved in the action. The contact procedure must be documented, and up to 24 hours (except in emergency situations) must be allowed for continued attempts to involve all Directors.

Email participation is preferred with every email on the topic copying all Directors, whether they are participating or not. A majority of Directors must be involved in the action. Following a description of the proposed action, the Directors will have up to 24 hours to vote. Only votes documented by email will be counted. Any action or decision made must be documented by the Secretary at the next BOD meeting.

### ***Surf Pines Email [Adopted by BOD on 09/18/2020]:***

The Association Administrator, standing committees chairpersons and all BOD members are to use Surf Pines' email service and acknowledge that all email is property of Surf Pines. Upon completion of one's service, all emails are to be provided to surf pines.

### ***Annual Planning Meeting [Adopted 11-13-2021]:***

The BOD will conduct an annual planning meeting within two months following the annual and BOD organizational meetings. Preparation for the meeting will include input from homeowners and committees.

## Appendix 1 – Vendor Access Resolution and Agreement

### SURF PINES ASSOCIATION Resolution of the Board of Directors

#### VENDOR ACCESS RECITALS

- A. Surf Pines Association, an Oregon nonprofit corporation, (“**Association**”) is charged with governing Surf Pines, an Oregon planned community organized under ORS 94.550-94.783, and established pursuant to the following documents:
1. Articles of Incorporation of Surf Pines Association, an Oregon Nonprofit Corporation, filed with the Oregon Secretary of State, Corporation Division, including any amendments thereto (“**Articles**”); and
  2. Bylaws of Surf Pines Association, an Oregon Nonprofit Corporation, recorded on June 7, 2013, as document no. 201304879 in Clatsop County, Oregon (“**Bylaws**”).
- B. The Surf Pines community consists of private roads which are part of the common property that are accessed through a private gate at the entrances to the community.
- C. The Association is charged with the operation and management of the common property.
- D. Under Section 8.1(a) of the Bylaws, the Board of Directors may adopt and publish rules and regulations governing the use of the common property, including private roads, and facilities provided by the Association, and the personal conduct of members and their guests thereon, and to establish penalties for the infraction thereof.
- E. From time to time, Surf Pines lot owners allow guests who are vendors to use the common property private streets, including providing vendors with the safety code for the gate.

**NOW THEREFORE, IT IS RESOLVED**, in consideration of the recitals above and pursuant to the authority granted in Section 8.1(a) of the Bylaws, the Board of Directors hereby adopted the following rules:

1. **Definitions.** The terms below are defined for this Resolution as follows:
  - (a) “Access Key” means the provision of any gate code to be entered on a keypad, electronic keycard, or other remote device used to access Surf Pines entry gates.
  - (b) “Owner” means the owner of a lot in Surf Pines.
  - (c) “Vendor” includes any contractor, professional, or other person hired for services.  
to be rendered on a Lot within the Surf Pines community.
2. **Use of Entrance Gate.** No person, including but not limited to Vendors, is allowed to

follow other vehicles through entrance gates without first using their assigned Access Key for entry.

3. **Vendor Access Keys.** The Association may issue an Access Key to Vendors, who provide services to owners and residents within Surf Pines on a regular basis. Any Vendor who receives an Access Key is required to sign the indemnity and release agreement attached to this Resolution as Exhibit A. Vendors are to only use Access Keys for business use in rendering services to the owner and not for personal use. If at any time an owner or Vendor has reason to believe that an Access Code has been lost or otherwise compromised or whose gate code has been disclosed to a person who does not have access rights to the Surf Pines community, the Owner or Vendor is responsible for notifying the Surf Pines Safety in order to provide a new Access Key. Vendors must maintain a list of who within the Vendor's company or employees, or contractors of the Vendor, has access to the Access Key.
4. **Parking.** Owners are responsible for ensuring vendors park in a manner that does not obstruct pedestrian or vehicular access through roads or sidewalks within Surf Pines.
5. **Hours.** Vendor access to the community is limited to the hours of 7:00 am to 7:00 pm. Under no circumstance may vehicles of Vendors be parked overnight without prior written permission of the Safety Manager.
6. **Revocation of Access Rights.** If the Board determines that any Vendor has violated the terms of the Vendor Access Agreement, the Board may in its discretion revoke the Access Key and all access privileges to the Vendor. In such an event, the Board may require a Vendor to be accompanied by an owner or a representative of the Association in order to access the gate.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be distributed to all owners at their last known address.

DATE: 3/21/21  
John Yerlun

President  
Surf Pines Association,  
An Oregon nonprofit corporation

[Signature]

Secretary  
Surf Pines Association,  
An Oregon nonprofit corporation

## EXHIBIT A VENDOR ACCESS AGREEMENT

This Vendor Access Agreement (“Agreement”) is made between Surf Pines Association (“Association”) and the undersigned vendor below (“Vendor”). The Association has provided a gate code to be entered on a keypad, electronic keycard, or other remote device used to access Surf Pines entry gates (referred to as the “Access Key”) for entrance by Vendor to the Surf Pines Community and is provided on condition of the requirements of this Agreement.

1. **Use of Access Key.** Vendor agrees that the Access Key provided to Vendor is only for business purposes related to services provided to Surf Pines residents and may not be used for personal or consumer purposes. Vendor must maintain a list of all of Vendor’s representatives and personnel who have use of the Access Key.
2. **Access through Gates.** Vendors may not under any circumstances follow other vehicles through the Surf Pines entrance gates without first entering the code provided to them.
3. **Hours.** Except in cases of emergency, access to the Surf Pines community for business purposes described herein is only to be from 7:00 AM to 7:00 PM or as otherwise directed by the safety staff of the Association.
4. **Requests.** Vendors shall make requests for additional needs through the Association’s safety staff.
5. **Notice to Association.** If Vendor becomes aware that an Access Key has been lost or otherwise compromised, Vendor shall immediately notify the Association in order to receive a new or reset Access Key.
6. **Responsibility for Damage.** In the event that any damages, losses or costs incurred by the Association are due to the fault of vendor, Vendor shall be responsible for payment of damages or reimbursement of losses or costs incurred to the Association.
7. **Revocation of Access Key and Access Rights.** In the event the Board determines that a vendor has violated the terms of this Agreement, the Association may terminate the vendor’s Access Key and access rights to the Surf Pines community.
8. **Indemnity and Hold Harmless Insurance.** In exchange for the right to an Access Key, Vendor agrees to indemnify, defend and hold the Association harmless from any claims, damages, liability or other losses or costs incurred by the Association as a result of a lost, stolen or compromised Access Key or otherwise prohibited use of an Access Key.
9. **Insurance.** Vendor shall provide proof that Vendor is licensed, bonded and insured as of the date of this Agreement.
10. **Binding Effect.** This Agreement shall be binding on Vendor’s successors and assigns.



11. **Governing Law; Venue.** This Agreement shall be governed by the laws of the State of Oregon and any dispute under this Agreement shall be heard in Clatsop County circuit court.
12. **Attorney Fees.** The prevailing party in any action or appeal to enforce this Agreement shall be entitled to an award of attorney fees and costs.
13. **Acknowledgements.** Each party hereby individually represents to the other that it has read and understands this Agreement and that it had access to or has sought its own legal counsel in connection with entering into this Agreement.
14. **Severability.** To the extent any provision of this Agreement is found by a court or other authority to be unenforceable, the remainder of this Agreement shall remain in full force and effect.

Dated: \_\_\_\_\_

**VENDOR**

Name of Vendor: \_\_\_\_\_

Name of Authorized  
Representative: \_\_\_\_\_

By signing below, I represent that I have authority to act on behalf of the  
above-named Vendor.

Signature: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

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To be completed by Association and returned to Vendor **Approved by Surf Pines Association**

By: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Title: \_\_\_\_\_ Gate Code (if applicable): \_\_\_\_\_

## **Notes and Comments**

1. November 19, 2021 - The BOD approved merging the Policy and Procedures Manuals into one document to be named Policy and Procedures Manual.
2. January 6, 2023 – BOD approved replacement of any reference to security with safety.
3. March 17, 2023 – BOD approved dissolution of safety committee.
4. June 16, 2023 – BOD approved addition of capitalization policy.
5. June 16, 2024 – BOD approved change in timing of dues billing.