

IAHA Board Meeting

March 17, 2009

The meeting was called to order by President Kelly Wilson at 7:00 PM. Present were: Dave Martin, Craig Cowles, Keith Moes, Kelly Wilson, Herb Jolliff, Alan Wright, and Robert English. Guests included Dick Wildman, Gary Brown, Andy Andersen, Carole Gabel, Gary Van Horn, and Rena Peck.

The main business before the Board tonight was the latest version of the Ingress/Egress Agreement, and whether or not to approve it as it currently stands. Dick Wildman spoke first, saying that the advise of the North Annex was to take a little more time with this negotiation based on two problems:

- 1) the ODA's condition of keeping a list of tail numbers per lot, and
- 2) having to keep records of accounts receivable when collecting on ODA's behalf.

He went on to explain that a division between State property (the airport) and Private property (the airpark), as illustrated by the title of "through the fence," should mean that what is on the private side of the fence stays private. Collecting the dues on behalf of the ODA, and having to keep that as a receivable on the Homeowner's Association books instead of passing the responsibility of collection back to the State, is another unreasonable condition that needs to be turned down. While the current ODA stipulation that every lot must pay, whether developed or not, can be sold to the membership, the North Annex agreement stipulates clearly that unbuilt lots do not pay ingress/egress fees. Sticking with the current agreement would benefit the North Annex, and the agreement currently on the table needs more work before the North will sign it. Gary Brown then spoke, saying that he was basically in agreement with that, and that no one is entitled to know what is in his hangar unless he wants them to know.

Dave Martin said that he was puzzled about the ODA's stipulation that a list of tail numbers be kept, since the FAA has a database with names and addresses on it, so this requirement is actually redundant since the State can already find out which aircraft are stored here. If there was a law that all aircraft needed to be registered with the State, independently of the FAA, then it would be different. Discussion followed about taxation and what kind of registration is currently required. The concern was that the Homeowner's Association would be, in effect, the unpaid policemen to enforce governmental tax laws.

Alan clarified the point that he was originally willing to concede to the ODA, that was to declare the tail-number requirement a voluntary submission of tail numbers to the State, rather than having this be a demanded accounting. Herb Jolliff said that his pilot registration included a section for the pilot to describe which planes he owns; the point being is that this information is already available to the ODA in one form or another. Alan went further to say that people in the Airpark needed to know that this condition was only a clarification of knowledge that the State already has access to. It is not an invasion of privacy since the tail numbers are already public record.

Later in the meeting, Alan pulled up the Oregon rules & statutes from the Web that listed "monthly fee per aircraft," which is probably the very thing the North is concerned about. That was in OAR 738-010. The rate chart was probably lifted from legislation from commercial operations, and ODA hasn't stuck us with that stipulation yet, but they could. Gary Van Horn said that was a rule, not a law, and suggested a brief phrase to insert in the agreement saying "not withstanding" that OAR stipulation. The better solution would be to have Dan Clem take this issue to the Board to rewrite or remove that rule, so that it cannot be enforced at a later date.

Dave asked what pressures were on us to finish this up now. Kelly said that the Association has already spent

\$7,000 in legal fees and that escalation needs to end soon. Alan said that this amount is small in comparison to what would be necessary to fight the ODA in court over the right to keep access. The number of non-paying lots is small, and for the entire agreement to be held up for their sake is undemocratic.

The attention turned next to the "accounts receivable" question regarding those who won't pay fees to the ODA for whatever reason. Alan said that this was something that our own lawyers suggested to us, as a means of streamlining the process and keeping it out of State hands. There was some discussion about whether or not the City has some kind of agreement with IAHA to hold the lot owner's charge against them. The fines are easier to enforce against lots without buildings, since the ability to build on the lot can be withheld legally until all owed fees are paid.

Alan and Kelly reiterated that the ODA should not be viewed as an adversary. They are actually our allies, and undue friction with them can bring immense problems later. Gary Van Horn said that some folks in the North are more reasonable, and we can tell Dan Clem that we're talking with the North trying to bring them on-board with the existing agreement. Alan said it would be appropriate to hold a general board meeting for the membership so that all residents can be educated about the relative benefits. Andy suggested it could be a "workshop" rather than a meeting as such.

The consensus of tonight's meeting was that we would massage this agreement a little more, paying particular attention to removing OAR 738-010 from the rule books.

The date and time for the informational meeting was suggested to take place after Spring break. It was agreed to schedule the meeting for Tuesday the 7th of April, three weeks from tonight. Informing everyone, including the absentee lot owners (who are especially affected), was considered crucial. That meeting might be in the EAA hangar if it is available.

The meeting was adjourned at 8:20 PM. Respectfully submitted by Robert English, IAHA secretary.