

Austin Oaks HOA Board Comment on Annual Meeting Disruption

At the June 28, 2021 Annual Business Meeting of the Austin Oak Homeowners Association, a former Board member entered the Clubhouse briefly, interrupting the proceedings to drop off a document to some of the homeowners physically present at the meeting, but studiously avoiding giving a copy to any Board members.

Since Board members were specifically not provided the document at the meeting, they were unable to comment at that time. Since then, they have read the document and discussed this matter with counsel.

The document is filled with distortions, strange allegations and numerous factually incorrect statements, many of which are fabrications and things that were never said. Contrary to the allegation in the document, to the best of our knowledge, no complaint has ever been filed with the Attorney General's Office.

Your Board does not intend to provide a point-by-point rebuttal to such a flawed statement, but rather wishes to clear the record on the management of the Homeowners Association.

The Austin Oaks Homeowners Association is a 501(C)(3) Non-Profit Indiana Corporation. It is bound by state statute, corporate law, the Articles of Incorporation and the very specific HOA By-Laws. Your Board is constrained to operate within the guardrails of these detailed requirements. The timing and notice for meetings, the election procedures and financial obligations are all prescribed in the By-Laws, which are available to all members on the Austin Oaks website (www.austinoakszionsville.com).

Your Board would like to encourage more member participation in the affairs of the HOA. We have gone beyond the required postal mail notification to multiple email notifications. Additionally, for the 2020 and 2021 Annual Meetings, a virtual meeting format to further reach out to the membership was instituted. The timing of the annual meeting is specified by our By-Laws.

Your Board has been composed of seven members going back to the early days of the HOA, after it was moved from the Developer to a Volunteer Management. This was a change that was approved by a vote of the membership in 2004. The original developer Board consisted of three employees of that company.

Your Board operates in a formal manner with an agenda, minutes and clear description of the vote for decisions. There are occasionally strong differences of opinion, but in the end, we are bound by the outcome of a majority vote. This is a voluntary Board for a Homeowner's association—none are paid for the time devoted—and the motivation of Board members is to provide the best decisions for the entire HOA. We are not a commercial enterprise. We are your neighbors striving to professionally manage the needs of the community. We have an attorney on retainer to provide counsel and guidance into complex issues for the association.

There is no way that our operation could be efficiently managed with 269 individual votes for each decision. That is why Associations rely on By-Laws and a Board structure to routinely manage operations.

The day to day, routine management of the HOA is contracted out to a management company that specializes in these matters. They provide insight and guidance on how best to conduct the operation of the HOA. They handle the financial matters such as dues collection and disbursement of funds.

Oversight is provided by the Treasurer, and a financial review is the centerpiece of the regular Board meetings. We have an annual budget that guides our operation, and we look for any deviation or trends which could impact our financial stability. We are the stewards of your dues payments and take that responsibility seriously.

We have financial limits that require multiple Board member approval, and major financial decisions are taken by a vote of the entire Board. Large projects routinely require multiple bidders. However, some of our requirements are unique and quite specialized so we must ensure that our vendors have the necessary capability. Not every vendor can accomplish our unique requirements.

For certain major operations we have little choice; for example, garbage collection and street/sidewalk repair are dictated by the Town of Zionville. The time required for a new landscape company to come up to speed, with the learning curve associated with our facilities, means we will only change when there is a very significant difference in proposed cost or deficiencies in service. In many cases, familiarity with our facilities leads to efficiency.

Your Board strives for transparency in its operations. Most information is on the Austin Oaks HOA website and we can provide additional information to any homeowner desiring it. The Annual Meeting is intended to give a broad overview of our operation without becoming obsessively boring with detail.

The individual who authored the document distributed at the Annual business meeting was briefly a member of the Board, although his application for Board membership was submitted after the deadline and he was erroneously placed as the eighth member of the Board, without election. His disruptive and unprofessional behavior and language while on the Board, particularly as directed toward our management company and our vendors, and representing himself as the sole official voice of the Board when he was not, caused your Board to call a first ever special removal meeting. Although he remains a member of the association, he is no longer entitled to ever rejoin your Board.

Your Board strives to manage your community professionally and responsibly with your expectations in mind.

Should you desire to have any further information, a member of your Board of Directors would be pleased to speak with you individually.