

**AUDUBON TRACE CONDOMINIUM ASSOCIATION, INC.
AGENDA OF THE BOARD OF DIRECTORS**

APRIL 26, 2023

Location: UNIT 502

I. Meeting called to order by Tina Jumonville at _____ p.m.

Board Members Present:

Management Present:

II. Approval of the Agenda

III. Reports

- A. Property Manager
- B. President
- C. Treasurer
- D. Legal Liaison
- E. Communications Committee
- F. Governance Committee
- G. Elections Committee
- H. Permits-Landscape Committee
- I. Strategic Planning Committee
- J. Social-Welcome Committee

IV. Old Business

- A. Dumpster on South Drive
- B. Parking infractions

V. New Business

- A. Unleashed pets
- B. Unit 603 Owner's April 26, 2023, E-mail to Board:
Owners observed setting up block parties in Common Elements.

VI. Comments and Announcements

VII. Adjournment

Next meeting date: May 17, 2023

AUDUBON TRACE CONDOMINIUM ASSOCIATION, INC.
MINUTES OF THE BOARD OF DIRECTORS
Wednesday, April 26, 2023

13th Meeting of the Fiscal Year 2022 – 2023

Board members present: Al Lafaye, Stephanie Prunty, Pat Traina, Tina Jumonville, Gary Vincent, and Sawese Bugbee.

Board members absent: Pat Williamson (proxy given to Pat Traina).

Management present: Tim Munch, Property Manager and Jeff Adams, Assistant Property Manager.

- I. **Call to Order** – Tina Jumonville called the meeting to order at 5:31pm at Unit 502 Audubon Trace.
- II. **Approval of Agenda** – Sawese Bugbee moved to approve the agenda, Al Lafaye seconded. Agenda was unanimously approved.
- III. **Reports** –
 - A. **Property Manager** –
 - Refurbishment of Bldg. 30 is complete.
 - Bldg. 20 pressure washing is complete. Carpentry and painting next.
 - Bldg. 7 will be next.
 - Bldgs. 10 and 22 fence replacement still in progress.
 - Bldg. 9 fire update: ServPro is on hold to complete wood studs, rafters and joist cleaning and sealing until construction contractor completes roof, window, and door installation. ServPro needs a controlled environment to complete their portion of the mitigation.
 - Bldg. 9 contractor is preparing Architectural and Engineering drawing as per the Jefferson Permitting Committee. Those plans must be approved before he can proceed.
 - Bldg. 9 has been boarded up as per request by Jefferson Parish Permitting.
 - South Dr. gardens have been replanted with summer plants.
 - Crescent City Cutters to start trimming shrubbery on the property.
 - Jefferson Parish Drainage Department has repaired sink holes on the East Side Mason Ditch drainage servitude.
 - EMSCO will be on site estimating the next round of concrete work that needs to be addressed.
 - B. **President** – no report at this time.
 - C. **Treasurer** – Stephanie Prunty – no report at this time. Budget Committee meeting will meet in early May.
 - D. **Legal Liaison** – Stephanie Prunty moved to go into executive session regarding the Ketry matter. Tina Jumonville seconded. Motion passed unanimously. The Board went into executive session at 6:10pm. Tina Jumonville moved to go out of executive session. Gary Vincent seconded. Unanimously approved. Board exited executive session at 6:15pm
 - E. **Communications** – no report at this time.

- F. **Governance** – Stephanie Prunty – committee is still working on the ballot for the proposed changes to the Declaration and Bylaws. The Board will have separate meeting to review and approve the proposed changes. Minutes of the Governance Committee are attached.
- G. **Elections Committee** – Stephanie Prunty – Management will send out notices to those owners not in good standing. Management will update election notice and timeline to agree with new election procedures that were approved and adopted in November of 2022. Minutes of the Elections Committee are attached.
- H. **Permits-Landscape Committee** – Al Lafaye – 2 requests were submitted:
- Unit 603 request to grow ivy-like plants on his steps and elsewhere like Unit 702.
 - Unit 101 request to brick her patio at her own expense.
- Both requests were unanimously approved.
- I. **Strategic Planning Committee** – Stephanie Prunty – committee met week of 4/24/23. Committee discussed and approved their proposed mission statement. Committee also discussed the strengths, weaknesses, opportunities, and threats of the Association. Next meeting will be May 22.
- J. **Social-Welcome Committee** – Tina Jumonville – Meet and Greet scheduled for Sunday, May 21, 4:30pm – 6:30pm.

IV. **Old Business** –

- A. **Dumpster on South Drive** – access to the dumpster has been abused by neighbors who do not reside in Audubon Trace. The Board discussed several ideas on how to secure access for AT owners only. Property Manager will contact Acme Lock (pool key access) and Republic Services (dumpster contractor) to get more information.
- B. **Parking Violations** – as this is a recurring issue, No Parking signs will be rearranged to be more visible with possibly adding more signage.

V. **New Business** – 2

- A. **Unleashed Pets** – Another recurring issue. Reminder – owner of unleashed pet(s) will receive warning on the first and second occurrence. There will be a fine for the third occurrence.
- B. **Unit 603 Owner's April 26, 2023, E-mail to Board: Owners observed setting up block parties in Common Elements** – Property Manager will address this issue.

VI. **Comments and Announcements** – Nothing at this time.

VII. **Adjournment** – Tina Jumonville moved to adjourn. Stephanie Prunty seconded. Meeting adjourned at 7:01pm.

Next meeting date: May 17, 2023.

Sawese Bugbee

(Electronically signed)
Sawese Bugbee, Board Secretary
Unit 207

Audubon Trace Condominium Association
Governance Committee
Tuesday, March 21, 2023

The Governance Committee held its sixth meeting of the fiscal year on Tuesday, March 21, 2023, at Unit 2704.

Present: Co-Chair Stephanie Prunty (2704), Co-Chair Gary Vincent (3101), Donna Bourg (3011), Jason Calmes (603), Linda Harang (602), Mary Jane Post 802), and Maria Zabalaoui (707).

Absent With Notice – Pat Traina (501)
Absent Without Notice – Bruce Donnelly

Stephanie Prunty called the meeting to order at 6:30 pm.

1. The committee continued its discussion of the By Laws – Sections 5-8. Changes were proposed in Sections 5.01, 5.02, 5.03, 5.04, 5.05, 5.05(A), 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13, 6.14, 6.16, 6.17, 6.17 (A), 6.17 (B), 6.18 (A), 6/18 (B), 6.19, 6.21, 6.21 (A), 6.22 (A), 6.23, 6.23 (A), 7.01, and 7.02; new Section 4.02 (J) proposed.

The committee unanimously agreed with the proposed changes to these sections. Some of the changes are linguistic, and some are substantive.

2. The committee re-visited Section 4.04, and made additional changes to this Section.
3. The committee reviewed, discussed, and considered the proposed changes received from owners, regardless of whether they were for the Declaration or By Laws, and regardless of whether they were sent in timely. The committee considered all that had been received. Here are all of the proposals, and the committee's response to each [Note: Some of the proposals were accompanied by lengthy explanations of why the owner thinks the proposal has merit. The actual proposals are presented in exactly the language used by the owner; the owners' explanations are not presented here.]

- Unit 3723, Gasper "Jack" Migliore – Proposed change:

Section 4.01 – eliminate the words "and must reside in an Audubon Trace Unit as their primary domicile."

Committee response:

The committee rejects the proposal because our By Laws do not discriminate against any one – they simply provide eligibility criteria for serving on the Board. The By Laws offer each Owner a choice: choose Audubon Trace as your primary domicile, or choose some other dwelling as your primary domicile. The Association does not require anyone to declare Audubon Trace as their primary domicile. The Association does allow all who own a Unit to have a voice in governance by allowing all Owners to vote, as long as they are in “good standing”.

An example of a property owner in similar circumstances demonstrates that ATCA gives non-domiciliary owners significant rights. Consider a person who lives in New Jersey, which is the situs of their primary domicile, and that this person owns a condo in the French Quarter in Orleans Parish. That person pays property taxes in Orleans Parish, pays for utilities in Orleans Parish, and is dependent on the New Orleans City Council for the laws and regulations that govern the person’s ability to use and enjoy the French Quarter condo. Yet, not only is that person prohibited from running for the District C seat on the City Council, but that person is also prohibited from voting in the mayoral election and election for the District C seat, and all other municipal elections in Orleans Parish. If, instead of the French Quarter, the New Jersey person owned an Audubon Trace Unit, he/she could not serve on the Board, but he/she could serve on a standing committee, and could vote in all ATCA elections as long as he/she was in “good standing”.

The Owner who proposed this change to Section 4.01 is believed to own at least three properties in Louisiana, one in Jefferson Parish (at Audubon Trace), one in East Baton Rouge Parish (where he is believed to have his homestead exemption), and one in Lincoln Parish. If he wants to be eligible to be a candidate for the ATCA Board, all he has to do is change his homestead exemption from East Baton Rouge Parish to Jefferson Parish, and meet the other documentary requirements for candidates.

- Unit 701, Barbara Dunbar – Proposed changes

[Note: Some of the comments submitted by this Owner are not proposed changes to the By Laws; the committee interpreted them as complaints, and, therefore, are beyond the committee’s assigned scope of work. These

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complaints will be identified as such, and the committee will not comment on them. The committee is only able to comment on actual proposed changes.]:

- (1) Same proposed change to Section 4.01, see above

Committee response:

See response to Unit 3723, above.

- (2) Section 4.07 regarding standing committees – it's the same issue as 4.01, any owner is [sic] in good standing should be allowed to serve on a committee.

Committee response:

The committee does not understand this comment/complaint. The Owner is apparently referring to Section 4.07 (A) (not 4.07). This Section provides that an Owner in "good standing" can serve on a standing committee. There is no domicile requirement; only an ownership requirement and that the person live at Audubon Trace. In fact, non-owner residents can serve on standing committees. So the proposal is already in effect. No further response is required.

- (3) Section 5.02 regarding the use of reserve – the purpose of the reserve is for contingencies and/or replacements, therefore only when these funds are depleted should the board call for a special assessment. The reserve can be replenished over time.

Committee response:

The committee does not understand this comment/complaint. Since it is not clearly articulated, the committee interprets this comment/complaint as a proposal to eliminate the Reserve Account except when the Account balance reaches "zero".

The committee rejects the proposal because it is not sound business management, it is short-sighted, it fails to consider the "cash flow" needs of the ATCA property, and it would result in ATCA losing its FHA approval. The proposal, if adopted, would also result in a series of assessments every time a major capital improvement is needed – we would need an assessment for street repair and replacement every year; we would need an assessment every time our property insurer raises our premiums (this year it is going up @ \$200,000; and

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the money to pay that premium comes out of the Reserve Account); we would need an assessment every time we had a major plumbing repair. These are some examples of the kinds of regular, large, capital expenses that are paid from the Reserve Account.

Most licensed Realtors know that one of the easiest way to kill sales of condos is to have repetitive special assessments. So having to impose a special assessment every time we have a large expense will act to depress values and negatively impact sales. Further, FHA requires us to put a minimum of 10% of our annual income into the Reserve Account. If we fail to do that, we will lose our FHA approval. This would also have a negative impact on values and sales for anyone who is not a “cash buyer”.

- (4) Section 5.06 regarding what was repealed? Why is it mentioned without an explanation.

Committee response:

This is not a proposed change to the By Laws; therefore, the committee has no authority to respond.

However, for the sake of information – Section 5.06 was repealed in 2002. If any Owner wants to see the text of a repealed Section, the Owner should contact the Property Manager, and make an appointment to go to his office, and ask to read the former/repealed Section.

- (5) Section 6.07 regarding the manager having a key – this is not adhered to and since many owners would object to doing it, it should be removed.

Committee response:

The committee’s research into this provision confirms that this requirement is common in condo By Laws, because they are “shared living” communities, with buildings with common walls. A safety problem or hazard in one Unit can cause danger and/or damage to another Unit or Units. If the Manager does not have a key to enter the Unit, then the Manager would have to use force to make the entry and could cause more damage to the Unit or Units.

The committee is proposing some revised language in this Section (see Minutes, Item 1, above), but the committee rejects the Owner's proposal to eliminate the requirement.

- (6) Section 6.10 regarding noises – this is not adhered to, therefore should be removed. There have been ongoing construction noises, loud music, etc., during the week and on weekends, and to my knowledge management has not interfered or else has been ignored.

Committee response:

The committee rejects the premise that when a rule is not followed it should be removed. At Audubon Trace, that would suggest we should remove all rules regarding when garbage should be put out for collection, the rule about picking up excrement from pets, the rules about parking in "no parking" areas, the rules about bringing glass containers into the pool areas, and the rules about putting decorative yard art in the Common Elements without prior Board approval (to name a few).

If the Owner has a problem with noise during the weekday when the Manager is present, then the Manager should be notified. If the disturbance occurs after 5 pm or on a weekend or holiday, then the Owner should call Jefferson Parish and report the disturbance.

- (7) Section 6.11 regarding satellite dishes etc. – Since the board shouldn't pick and choose who will or won't be allowed to have such equipment in the common elements, it should be removed.

Committee response:

If the Owner believes that an Owner has violated this provision, then a complaint should be made to the Manager and the Board. The Owner did not provide any specific examples of wide-spread violations of this Section, so the committee rejects the Owner's proposal to remove this Section.

- (8) Section 6.18 regarding pets – pets should only be removed with written notice, and under no circumstances removed without written notice.

Committee response:

Section 6.18 does not refer to removal of pets. The Owner is apparently referring to Section 6.18 (B). The committee believes that Section 6.18 (B) already provides adequate advance notice to an Owner that their pet is a nuisance and is in danger of being removed. The committee rejects the Owner's proposal.

- (9) Section 6.19 regarding pest control service – owners are not, nor should they be required to have their own pest control service. Fortunately this [sic] been adhered to, so remove it.

Committee response:

The committee is proposing some revised language in this Section (see Minutes, Item 1, above), but the committee rejects the Owner's proposal to eliminate this Section.

- (10) Section 6.21 regarding window decals – since car owners are not provided with window decals, remove it.

Committee response:

The Owner is apparently referring to Section 6.21 (1). The committee is proposing some revised language in this Section (see Minutes, Item 1, above), but the committee rejects the Owner's proposal to eliminate this Section.

- (11) Page 23-G (1) – Proceeds of insurance policies should be used to repair or reconstruct, which has not been done in the case of our fence.

Committee response:

The Owner is apparently referring to Section 10 (G) (1) of the Declaration. This is not a proposed change to the Declaration – it is a complaint; therefore the committee has no authority to respond. The committee does note, however, that the Board addressed this issue at its July 27, 2022, meeting; see Minutes, IV. Old Business, D – Fence – East side of the property.

- (12) Page 23-G (2) – Failure to reconstruct or repair, should result in the proceeds being paid to the Unit owners. This has not been done.

Committee response:

The Owner is apparently referring to Section 10 (G) (2) of the Declaration. This is not a proposed change to the Declaration – it is a complaint; therefore the committee has no authority to respond. The committee does note, however, that this Section pertains to proceeds that may be due to an Owner for damage to the Owner's Unit.

- (13) Page 27-G (1) – Estimate of costs for damage for which the association has the responsibility to repair was not reliable and detailed as required. The estimates reported to owners by the board did not include fence posts, however the fence posts were included.

Committee response:

The Owner is apparently referring to Section 11 (G) (1) of the Declaration. This is not a proposed change to the Declaration – it is a complaint; therefore the committee has no authority to respond. The committee further notes that the Board addressed this issue.

- (14) Page 31 - (v) – When damage is both to common elements and units, the insurance proceeds shall be applied first to the common elements. The board has refused to restore the common elements, namely our fence, to its original condition although owner [sic] have made it clear that this is what they want.

Committee response:

The Owner is apparently referring to Section 11 (G) (3) (v) of the Declaration. This is not a proposed change to the Declaration – it is a complaint; therefore the committee has no authority to respond. The committee further notes that the Board addressed this issue.

- Unit 1904, Sue Marchal – Proposed changes

- (1) I think all owners in good standing regardless of their residency status should be able to serve on the board.

Committee response:

See response to Unit 3723, above.

- (2) I think we should consider online voting.

Committee response:

This issue is beyond the scope of work of the Governance Committee. The Elections committee has already considered this proposal, and has referred this issue to the Strategic Planning Committee, because it involves more than just electronic voting.

- (3) I think all owners should be notified of the status of their ballot and the reasons why a ballot was rejected. Not just the fact that it was received.

Committee response:

This issue is beyond the scope of work of the Governance Committee. The Elections committee has already considered this proposal, and did not include this feature for the upcoming election, if there is one.

- (4) If we go with mail-in ballots, we should go by the postmark, not the date received. Owners should not be penalized because the post office failed to deliver the ballots in a timely manner.

Committee response:

This issue is beyond the scope of work of the Governance Committee. The Elections committee has already considered this proposal, and did not include this feature for the upcoming election, if there is one.

- Unit 1404, Felicia Hardesty – Proposed changes

- (1) Term limits for Board members. The only exception would be when there is [sic] insufficient candidates to fill vacant seats.

Committee response:

The committee agrees with part of this proposal, and is submitting a new Section, Section 4.02 (J) to the Board for its consideration. See Minutes, Item 1, above.

- (2) Remove “primary domicile” from requirement to be a candidate for the Board.

Committee response:

See response to Unit 3723, above.

- (3) Explicit and enforced limit on the number of properties being rented at any one time.

Committee response:

The Owner is apparently proposing a revision/amendment to the Declaration Section 16 and to the By Laws Section 6.14. Any such change will involve an impingement on Owners’ legal and property rights. Therefore, this proposal has been referred to the Strategic Planning Committee for its consideration.

- (4) Employee handbook with stated number of vacation, sick leave and holiday pay allowed. Details and description of all medical insurance benefits.

Committee response:

Details regarding the hiring and firing of employees, or the details of their employment are not governed by either the Declaration or the By Laws. All such personnel matters should be submitted to the Board and the Property Manager.

- (5) Mandatory open meetings of no less than two per fiscal year.

Committee response:

The committee rejects this proposal as impractical and unnecessary. With few exceptions (such as the year following Hurricane Katrina and the year 2021 due to Covid-19), the Association has had at least two open meetings every fiscal year since 1986. Since weather events and health emergencies cannot be forecast, it could be impossible for the Association to comply with such a specific mandate.

- (6) Bylaw revisions and update should be conducted by an independent and qualified HOA professional.

Committee response:

If, at some time in the future, the Board sees the need to incur the expense of hiring someone who knows nothing about Audubon Trace (but may know a lot about high-rise condo properties) to write the rules for Audubon Trace, then the Board always has the discretion to do so.

4. The committee does not have any other meetings planned or scheduled. A meeting likely will be held if/when the Board accepts any of the committee's proposals for change, and votes to send any of the proposals to the Owners for their vote. Then, the committee will meet to decide how to best present the changes to the Owners, and the format of the ballot/ballots that will be used for voting.
5. Now that the committee has completed its review of the Declaration and the By Laws, the committee will send a formal report to the Board with a comprehensive report of all changes proposed to the Declaration and to the By Laws. The Board will then decide which, if any, of the committee's proposed changes will be submitted to the Owners for a vote.
6. Stephanie Prunty adjourned the meeting at 9:45 pm.

Linda Harang, Unit 602
Committee Secretary

Audubon Trace Condominium Association
Elections Committee
Monday, March 20, 2023

The Elections Committee held its seventh meeting of the fiscal year on Monday, March 20, 2023, at Unit 2704.

Present: Co-Chair Stephanie Prunty (2704), Jason Calmes (603), Linda Harang, Becky Wollman (3023).

Absent With Notice: Teva Ostarly (2501), Gary Vincent (3101; proxy to S. Prunty).

Stephanie Prunty called the meeting to order at 6:33 pm.

1. Jason Calmes reported on the “test election” that is now in progress. There are 13 participants. Each participant was given instructions on how to fill out his/her Ballot, with various “problems” deliberately created, so as to test the new procedure and the Auditor’s ability to identify the deficiencies. The test is still in progress.
2. The committee discussed the procedure for preparing the data on which the Manager will base the “owner in good standing” letters. Stephanie Prunty reported that the bookkeeper has all owner accounts current, and is ready for issuing the letters.
3. Stephanie Prunty reported that the Manager should be able to issue the letters to all owners – telling them they are in “good standing”, and if they are not, why they are not – by March 31, 2023. If an owner is not in “good standing”, the owner must correct the deficiency not later than 5 days before the Manager issues the Official Election Notice (see “election calendar” below). If the deficiency is not corrected in time, the owner cannot be a candidate for the Board nor can the owner vote if there is an election.
4. The committee discussed how to best and most efficiently prepare and issue the “good standing” letters.
5. The committee will meet with the Manager, in his office, prior to the issuance of the Official Election Notice for a final review of procedures.
6. The proposed Election calendar for 2023-2024 is:
 - April 25, 2023 Deadline for an owner to resolve any “good standing” deficiency

- May 1, 2023 Manager issues Official Election Notice via email (mail or by hand to anyone without an email address on file)
- May 12, 2023 Application for Board candidate, with all required documents, due to Manager not later than 5 pm today
- May 16, 2023 Board meets to review candidate applications, and confirm those who are eligible
- May 17, 2023 Board gives Manager a list of eligible candidates; if there are more than 4, then there will be an election
- May 24, 2023 Manager has all Ballot packets ready to be delivered to the Auditor
- May 25, 2023 Auditor mails out all Ballot packets, via first class mail
- May 26, 2023 Manager sends email to owners notifying them that the Auditor mailed the Ballot packets on May 25; if you do not receive your Ballot packet by June 5, notify the Manager so you can be issued a “substitute” Ballot
- May 31/June 1 “Meet the Candidate” forum (depending on room)
- June 5, 2023 All owners are expected to have received their Ballot packets from the Auditor
- June 16, 2023 Ballot deadline – Auditor must have an owner’s Ballot via first class mail not later than 5 pm today or that owner’s vote(s) will not be counted
- June 23, 2023 Auditor is expected to be able to report official results
- June 25-30 Auditor will issue email confirmation to owners who requested a “receipt” for their Ballot

7. The next committee meeting is TBA.

8. Stephanie Prunty adjourned the meeting at 7:50 pm.

Linda Harang, Unit 602
Committee Secretary

Elections Committee
March 20, 2023
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