



Memorandum of Information to the Association of Owners of Seaview Condominiums

October 5, 2022

The installation and use of the security cameras has been a divisive topic between our owners. It is an obstacle in our mission of ensuring the health of the association and the peaceful enjoyment of the owners. The Board of Directors is working in the best interest of all owners to resolve this issue according to our governing documents and laws.

In order to have a dialogue with our owners, it is important that everyone have the facts regarding the security cameras and the door access control at Seaview.

At the June 19, 2021, unit owners meeting, a member of the previous Board of Directors mentioned that he “has been looking into security cameras to be placed in the parking lot, above the front door and in the lobby because there is no longer a Police Dept. in Rockaway, only the Tillamook County Sheriff is available in a dire emergency”. At that meeting, two documents were provided: a memorandum from Schlotfeldt Law Firm, PLLC, concerning the legality of installing a security camera in a condominium hallway, and “Information regarding the keyed lobby door and security.” Several owners in attendance expressed concern wondering who would have access to the cameras. The response was, “everyone would have access.”

- There was no mention of an estimated cost or timeline for the security camera project.
- There was no mention of any other security cameras other than those proposed on the ground floor.

Just three weeks later, the week of July 8th eight security cameras were installed, along with a new door access control system. Two cameras were placed in the parking garage, one camera outside the front door and one camera inside the lobby, and four more cameras were installed, one on each residential floor with a view of the landing. All cameras monitor and record every person that transits those areas.

According to our Bylaws:

Article V, Section 2 Board's Powers and Duties (k) requires that for any improvement above \$1,000 a vote of the ownership must be taken. Since the cameras, installation costs, and materials (video equipment) cost more than \$1,000 and the video equipment was an addition to the common elements,

then the previous Board must have (1) sought a vote of the unit owners and (2) the vote must have passed with a majority approval of the addition. A majority approval would have affirmed the desire of the membership to accept the addition of cameras.

Article IX Maintenance and Use of Condominium Property, Section 3. Use of Common Elements, states that changes to the common elements by owners must be approved by the Board of Directors, and use of the common elements must be in accordance with the purposes for which they were intended. In addition, changes to the common areas must not violate the lawful rights of the other unit owners.

- The previous Board sought no vote of the owners for the approval of the purchases.
- There are no meeting minutes on record that indicate the Board approved the installation of video cameras in the condominium common element areas.

During installation, all the camera video feeds were wired directly to Bill Maitland's unit and set up in such a way that makes it difficult to transition the operation of the technology over to future Board members and Officers. In addition, Mr. Maitland has exclusive control over the usernames and passwords for the camera control systems, video recorder system, and the door access control systems.

The Board has made many requests to Mr. Maitland to transfer this information to the Board in order that we may assume responsibility, and he has refused. Thus, the Board is unable to manage the cameras, video recordings, and access control over the door codes and cards.

We have been in contact with the installation company, NW Security and Construction, and they have verified that they have no access to these systems and do not monitor them. NW Security also noted that they are unable to monitor any video as the broadband carriers in our area do not have the bandwidth necessary to support the transmission of video to Vancouver. They are not responding to requests from the Board, they are only responding to requests from Mr. Maitland.

Mr. Maitland has exclusive control and management over:

- All video footage that is stored in the NVR (network video recorder) located in Mr. Maitland's unit,
- All monitoring and managing of the camera feeds and real-time access to the cameras, and
- All monitoring and managing of the door access control system, door codes, and cards.

The Board has received several informal complaints regarding privacy, and recently a formal complaint of stalking was delivered. All questions of invasion of privacy, expectation of privacy, or privacy in common areas, are all controlled by State law.

Since the owners have not had the opportunity to vote on the installation of cameras in the common elements, the Board decided to disable the cameras until ultimate legality of their use by the association could be fully assessed and transition of the security features over to the Board could be completed.

To protect the association from liability, the Board discussed and voted, in open meeting, to temporarily disable the surveillance cameras on the residential floors. Since the Board does not have the system access required to disable the cameras, the decision was made to temporarily cover them since that was the only method available to the Board to disable them. Individuals volunteered to cover them, at the direction of the Board. The next day, the Board was informed that someone had removed the covers from the cameras.

This action could inadvertently harm the association by putting the association in a position of liability for any privacy violations. Under the Seaview Declaration and Bylaws, only the Board may authorize any alterations to the common elements. The Board, in its judgment, because of the circumstances explained above, have decided that the cameras need to be temporarily disabled until the legal and technological matters are fully resolved.

We understand that some owners may disagree with this decision, but the proper way to voice that disagreement is to attend our regular Board meetings and share your opinions. Making unauthorized alterations to the common elements is not appropriate and will result in enforcement action against any owners found to be responsible.

The Board wishes to work cooperatively with the owners to resolve this issue using the rules, statutes, and regulations that govern our association. We appreciate everyone's patience as we work through this matter and want everyone to know that it may take some time to fully resolve.

All questions on this matter should be directed to the Board at board@seaviewHOA.org.