

On Aug 25, 2026, at 9:31 AM, John McLane <jfmclane@gmail.com> wrote:

Logic supporting the Special Assessment of August 26, 2026:

The Calais Board may make a Special Assessment of up to 15% of the total annual budget (per 6.6 of the Bylaws) for “unusual, unexpected, unbudgeted, or non-recurring expenses.” Remediating the structural deficiencies that continue to be discovered in the five-story buildings qualifies. The depletion of the reserve account, due to payments for the structural remediation, also qualifies. Reserves are needed for scheduled maintenance at Calais, including the replacement of fire suppression equipment.

Special assessments contain a sense of urgency. Otherwise, the board could wait until next year. By then, the amount required and added to the quarterly assessment would be significantly greater than is being asked now.

The urgency was created by the engineer’s report of February 2022 that stated: “We observed the following building components that should be repaired within the next 1 to 12 months.” It has been four-and-one-half years.

In addition to the 15% Special Assessment, further amounts may be assessed by the board based on “safety” and a “duty to protect the common elements.” All the Elias Brothers’ work in Calais has been on common or limited common elements. The funds received over and above the 15% may not be used directly to pay down loans or be used specifically to replace reserves.

As a practical matter, seeking an assessment above 15% through a majority vote of the owners would require two-way snail mail ballots and a minimum of 66 positive votes. We were not even able to have a quorum for the 2025 Annual Meeting.

Paragraph 22.4 of the Declaration states that the board is “responsible for interpreting” “unless wholly unreasonable.”

We have the recommendation of our Treasurer and his ad hoc committee of neighbors to have a one-time Special Assessment of \$15,000 added to the regular quarterly assessment.

This has also been supported by our past Treasurer.

Please note the opinion email from Calais’ attorney, Alfred Gal, and the additional letter clarifying two questions.

John McLane

President, Board of Directors

Calais at Pelican Bay Condominium Association

From: Alfred Gal alfredgal@sandglawfirm.com™

Subject: RE: Special Assessment - Calais

Date: August 12, 2026 at 12:54 PM

To: John Mclane jfmclane@gmail.com

Hello John,

As we've discussed, Section 6.6 of the Bylaws requires that a majority of the owners approve the passage of a special assessment if the total amount of special assessments passed in this calendar year exceeds 15% of the annual budget.

Also, it is my opinion that Section 16 of the Declaration of Condominium does not apply since, based on my understanding of the facts, the repairs to the common elements that are being done are not a result of a casualty, i.e. insurable event such as a storm or fire.

However, it is also my opinion that the board is not required to get approval of the owners for a special assessment where the board is protecting the safety of the building and its occupants out of necessity. The board has a duty to protect the common elements. My understanding is that the assessment to be passed is necessary for the reconstruction of the exterior of the building as there are post tension cables that have corroded.

If the board intends on passing a special assessment without a vote of the owners, it should have written reports from engineers or other experts showing that the repairs must be completed. Also, the special assessment should only be for the amount needed to make the necessary repairs. The special assessment should not include amounts for funding reserves, for paying back the loan, for non-necessary repairs that could wait until next year, or for anything else not related to the necessary repairs.

Let me know if you would like to discuss further.

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From: Alfred Gal alfredgal@sandglawfirm.com &
Subject: RE: Special Assessment - Calais
Date: August 13, 2026 at 9:01 AM
To: John Mclane jfmclane@gmail.com

1-We have had to borrow significant funds to work on the common element's structural issues. Can we include the amount of funds borrowed and paid specifically for that task in the total of the special assessment so that we can pay down the loan and limit the amount of interest expense?

Answer: No, the amount imposed for the special assessment should not include any amounts to repay loans regardless of the purpose of the loan or how the funds were spent. The special assessment funds should only be used for actual, necessary repairs. A special assessment to repay the loan should either be approved by a majority of the owners or the Association should wait until next year to levy the special assessment.

2-In that the board can do a special assessment for 15% for good reason, I assume that the board can then add the amount necessary for the "safety of the building and its occupants" and to protect the common elements on top of the 15%?

Answer: I don't have a clear answer to this. However, in my opinion, you could impose the special assessment that gets you to the 15%, and then on top of that add amounts needed to make necessary repairs.

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