

LOMA LINDA HOMEOWNERS ASSOCIATION
Monthly Board of Directors Meeting

June 13, 2016, 7:00 p.m.
Ross Aragon Community Center
www.llhoapagosa.com
Email: info@llhoapagosa.com

Board members in attendance: Bill Trimarco, Sue Wells, Andrew Jones

Acting Secretary: Lisa Jensen

Guests in attendance: Al and Jo Myatt, Barbara and Farrell Trask, Delores Highsmith, Sheri Alhardt, David and Jean Smith, Judy Estell, Ellie and Mark Douglass, Jim Lesch

1) Call to Order

Bill Trimarco called the meeting to order at 7:03 p.m. and asked all present to introduce themselves.

2) Public input: only for items not on the agenda

- Bill Trimarco added an item: he received a letter from the ACC approximately three hours prior to the board meeting notifying the Board of Directors that all members of the ACC resigned, effective immediately.
- Sue Wells noted that at past meetings, people have yelled. She distributed several bells and asked everyone in attendance to ring a bell if yelling becomes too loud.

3) Approval of previous meeting minutes

Andrew Jones moved; Sue Wells seconded a motion to approve minutes of the May 16, 2016 board meeting. Motion carried unanimously.

4) Financial Report

Sue Wells presented the financial report. There was not much activity: some annual dues were received; expenses were to pay the Secretary and Bookkeeper and rental of the meeting space.

Balance as of May 31, 2016: Operating Account: \$30,618.82; Reserve Fund: \$22,573.20

5) Review of inconsistent ACC procedures and CC&R enforcement

Bill Trimarco stated the LLHOA has two governing documents, the Covenants, Conditions and Restrictions (CC&R) and Bylaws. The CC&R are on file with Archuleta County and are a deed restriction. Bylaws are more procedural and easier for the membership to change. All are subject to state law, specifically CCOIA (Colorado Common Ownership Interest Act). The Bylaws give the Architectural Control Committee (ACC) the authority to set guidelines, but these are only guidelines and are not legally binding. LLHOA members have oversight over the Board of Directors (BOD). The BOD has oversight over the ACC; the ACC is appointed by the BOD.

Sue Wells explained that the current BOD “came in blind” since all members of the previous BOD had resigned. There was no continuity, and the current BOD spent the first few months in office trying to get up to speed, determine administrative procedures, locate records, and the like.

In discussion, Bill Trimarco gave an example from approximately a month and a half ago, where a resident had told him about another homeowner who had left his/her trash out and a bear had got into the trash. When Trimarco asked the ACC Chair to contact the lot owners and tell them not to leave their

trash out, noting this was a repeat offense, the ACC Chair refused because the resident who reported the incident had not filled out a complaint form that was available only by contacting the ACC Chair. (This communication issue was resolved in a previous meeting).

Delores Highsmith, who maintains the LLHOA website and was on the ACC in previous years, gave a background of the complaint form procedure: to prevent frivolous use of complaint forms, a previous ACC thought it best to not post the complaint forms on the website but to first have a verbal vetting process. The use of complaint forms creates a paper trail.

In the example given above, the BOD did not believe they should have to fill out a complaint form when a resident has contacted a board member with a request that the BOD is relaying to the ACC.

There was lengthy discussion of ACC procedures and authority, and discussion of privacy issues when the ACC is notifying a resident that s/he is not in compliance with the CC&R. The BOD had asked the most recent ACC to provide more detail in their agendas and minutes about which lots or members have been approved or are in non-compliance. That had not happened prior to their resignation.

Moving forward, the BOD will:

- Review ACC procedures and determine which ones to keep. While it is necessary to have procedures, these procedures cannot add to or change the CC&R or Bylaws.
- Delores Highsmith will remove the procedures from the LLHOA website and will send the BOD all ACC documents that have been in use.
- Appoint a new ACC. The ACC must be appointed by the BOD, not by other ACC members.
- Require the ACC to provide more detail in its agendas and meeting minutes.
- Publish notice of vacancies of the ACC and Secretary position on the website and subdivision bulletin board.
- The BOD needs to obtain the key to the bulletin board from former Secretary.

6) Appeals of ACC determinations:

The BOD agreed that since both appeals are from sitting board members, each board member would recuse himself from discussion and voting on his own appeal. It was also noted that board members must be in good standing, with annual dues paid. Sue Wells brought up that Andrew Jones dues had not been paid as of this morning. She was told that the check had been mailed today. It was agreed that the appeals could continue.

- 1252 Loma Linda Drive

Lisa Jensen presented the appeal from Bill Trimarco and Lisa Jensen, 1252 Loma Linda Drive. Her appeal letter stated that she did not believe she and Trimarco had violated any of the CC&R since they had received approval to build their greenhouse, and approval of an extension. She requested the BOD rescind the ACC's letter of non-compliance.

Sue Wells had researched both non-compliance cases before the BOD. The Trimarco/Jensen greenhouse was originally approved in May/2011. Bill Trimarco stated that he received an extension from the ACC in 2014. According to the governing documents, it is acceptable for a resident to complete a project five years after the original approval, and construction was completed within six months of commencement, as required. David Parker (former ACC Chair) had sent Sue a drawing that Trimarco/Jensen submitted with their application, and the completed structure looks exactly like the drawing. After discussion, Sue Wells and Andrew Jones voted in favor of the Trimarco/Jensen appeal.

- 1087 Loma Linda Drive

Andrew Jones presented the appeal from Andrew and Stephanie Jones, 1087 Loma Linda Drive. The letter of non-compliance stated he was in violation for not fixing his fence; for not completing the paint trim on his house; and for not keeping his lot clean and orderly.

Andrew Jones said he would fix his fence and complete the paint trim by September 30, 2016. Bill Trimarco stated that “clean and orderly” is subjective. Bill Trimarco stated he had reviewed lots throughout the subdivision to compare with the Jones lot and noted many that look the same, with firewood and vehicles out in the open. Andrew Jones noted that the wooden fence in question is aesthetic rather than functional and he feels the fence as is fits in with the rural, southwest nature of where we live. Others responded that everyone has their own opinion and aesthetic regarding their own home. After discussion, Sue Wells and Bill Trimarco voted in favor of the Jones appeal.

Andrew Jones pointed out that he also chose a subdivision with some covenants, and that we live in rural southwestern Colorado. He has lived here for 20 years and raised three children here. Most residents have five acres and expect to enjoy privacy and freedom on their own property.

7) Committee Reports

- ACC Report

No report.

- FireWise Report

Sue Wells presented the FireWise report prepared by Peggy Beach, which is attached to these minutes.

8) Discuss Summer Board of Directors meeting and picnic, July 10, 2016

It was brought to the BOD’ attention that a members’ vote is required to change the Annual Meeting date from December to July. Therefore, this July will be a BOD meeting and members’ picnic.

At the December 2016 Annual Meeting, members may vote to change the Annual Meeting to a summer month. According to the Bylaws, the Annual Meeting date can be changed by a vote of members present at the Annual Meeting, provided those votes represent at least one-tenth of the membership. The BOD thought holding the Annual Meeting in the summer would allow more homeowners to attend, and would allow more time for election of board members, with board terms remaining January through December.

The BOD is waiting for bids from caterers and will post an invitation flyer by the end of this week, with request to RSVP. Members are asked to bring a potluck dessert; the main meal will be provided.

9) Adjourn

Bill Trimarco moved; Sue Wells seconded a motion to adjourn. Meeting adjourned at 9:00 p.m.