

Loma Linda Subdivision Homeowner's Association
Minutes of the Board of Directors
November 13, 2017
Final

Directors present: Mark Douglass, Bill Trimarco, Don Haywood

Members present: Sharon Jennings, Sheri Ahlhardt, Sue Wells, Al and Jo Myatt, Lisa Jensen, Annie Pack, Ellie Douglass, Jim Lesch, Eric Smith, George and Kim Parkey, David Parker, Curt and Donna Grindal

Guests present: Marshall Dunham

Mark called the meeting to order at 6:04pm. Bill made a motion to accept the minutes of the October 9 Board meeting with the inclusion of a copy of the letter from Lisa Jensen read at that meeting; seconded and approved by vote: Mark-Yes, Bill-Yes, Don-Yes. Marshall Dunham of The Pagosa Sun newspaper was introduced. Budget and Treasurer's Reports were moved to the end of the agenda so guests or members could leave if they wished.

Homeowner Open Forum:

1. Bill shared his concern that the Board was not responsive to his requests to have items included on the Board agenda. The Board and Homeowners discussed all aspects of the agenda (asking for the reasons an item was being put on an agenda, asking for more detail rather than bullet points, not discussing agenda items over email, setting a deadline for submission of agenda items, the pending policy on agenda and meeting issues). As a courtesy, the Board is trying to get summary minutes out promptly after the meetings and agendas out three days to one week before meetings (CIOAA states within twenty-four hours).
2. Lisa inquired as to how property owners (resident or non-resident) were to express concerns to the Board; she hadn't heard back from repeated emails and felt homeowners were being ignored. There was discussion between Homeowners and the Board as to emails being professional and without derogatory remarks. Mark said the Board would take questions and submit a response accordingly. He apologized for not responding to her emails. If the president is not available, the vice-president would respond; if neither were available the Secretary/Treasurer would respond.

Architectural Control Committee: Jo presented a report for the last month, but needed Board help in determining if a homeowner was in compliance with the ACC...in particular if a Grow Dome was considered a second non-residential structure. There was discussion as to whether this was exempt as a solar energy unit, the need to get definitions to the ACC, if the County needed to be consulted for non-permit issues, and that the HOA might want certain building requirements that are out of the County's realm. Bill made a motion to put the topic of structures and definitions as an agenda item for a future meeting; seconded by Don and approved by vote: Bill-Yes, Don-Yes, Mark-Yes. Eric feels he is in compliance, but is willing to accept a determination when made. Mark told Jo that the ACC has the authority to approve, adopt and publish rules.

Fire Wise Committee: Al said a new cost-sharing program would be coming in the next year. Bill said there was \$491 coming back to the Loma Linda property owners as part of the August chipping program.

Metro District: Dave reported they were on-track. At a meeting November 14th the County Commissioners will look at adopting House Bill 161030 which is an ATV regulation designating certain county roads for public access and requiring ATV riders have a license, insurance, and certain equipment such as headlights.

Nominating Committee: Sue stated that ballots were due and would be counted by Peggy Beach. Discussion centered on the email reminding property owners that ballots were due and that their outside return envelope must have their name/address on it and asking them to contact the CPA to confirm a valid vote. Only a request for a replacement ballot is acceptable as the CPA can track duplicates, but can't tell someone if their ballot was correct or not; if voting rules aren't followed then the ballot is discarded. Sue asked for the Board's acceptance of that process and for a vote by the Board to allow the election to go forward. She stated she felt the CPA could

protect the integrity of the present election process. Further discussion covered whether the ballot instructions were confusing, if the email was in violation of the Bylaws, that no document other than the ballot should be included with or on the ballot form/letter, why the Nominating Committee had to travel to the CPA's office to count the ballots instead of allowing the CPA to count the ballots, why multiple lot owners received multiple ballots but only one ballot return envelope, if there were more votes cast than lots represented the election should be nullified, but if there were less votes cast than lots represented the election could continue. There is a need to get the process clear; Sue will prepare best-practices and processes for the Board to review. Don read the Bylaw revision from CIOAA stating 'a neutral third-party or committee' allows the CPA to count the ballots. Mark made a motion to proceed with the ballot in progress allowing for a margin of error/variance of 3% over the actual number of ballots cast over lots represented unless that caused a change in the outcome of the election; seconded by Bill and approved by this vote: Mark-Yes, Bill-Yes. Don recused himself from the vote as he is a candidate on the ballot. Sue will email the results once known.

Old Business:

1. Mark asked if there were members present interested in serving on the ACC committee. Curt Grindal and Eric Smith volunteered. Bill prepared questions for the candidates to review (reason for wishing to serve, agreement to follow the CC&Rs and Bylaws, the importance of working with the Board, etc.). Each was given a chance to respond to the questions and offer other comments. Bill made a motion to accept both candidates, Curt Grindal and Eric Smith; seconded by Don and approved by vote: Bill-Yes, Don-Yes, Mark-Yes.
2. Don made a motion to adopt the previously approved HOA policies, #1 through 6, which had been posted on the website for member review; seconded by Mark and approved by vote: Don-Yes, Mark-Yes, Bill-Yes.

Policy #7, Enforcement Policy, was discussed as to strengthening the fine structure, repeat violations and repeated fines, warning letters, the existing process of putting a lien on a property (no precedence as never used). The fee structure will be left as currently defined. The deviation clause in the policy can be used by the Board in cases where a violation cannot be immediately mitigated by a property owner because of inclement winter weather, for example. Mark made a motion to accept Policy #7 as written; seconded by Don and approved by this vote: Mark-Yes, Don-Yes, Bill-Yes. This policy will be posted on the website.

Policy #8, Conduct of Meetings Policy, will be deferred pending recommendations from the Nominating Committee on the elections process and discussion on changing it to be consistent with the Bylaws.

Treasurer's Report: Don distributed copies of the Balance Sheet and Profit/Loss statement. Current assets are \$52,147.20 including both the operating fund and reserve fund. The Board reviewed the Accounts Receivable list for unpaid dues and suggested the CPA begin sending fine letters. There was discussion about waiving dues for the property owners of lots on Wildwood who could not access property because roads were never built and if so whether a new class of property owners would have to be created or whether a lien should be attached. Expenses were also reviewed. A motion to accept the financial reports was made by Bill, seconded by Mark and approved by this vote: Bill-Yes, Mark-Yes, Don-Yes.

New Business:

1. A Christmas gathering was discussed. Mark will call Chris at Shooters & Shenanigans and Jason at Borde Rio to see if either had an opening for 35-60 for a dinner. This will not be a board meeting.
2. Open Meeting Law for Directors-Bill raised concerns that items asked to be put on the agenda were not added and that meetings by email which were not open to the public shouldn't be happening. In particular email decisions by other board members regarding replacement of ballots and hiring an attorney. In addition, the suggestion and need to increase the board to five or seven members was brought up to alleviate the possibility that a quorum be reached by two members. Residents need to be aware of Board activity. The Board can communicate independently, but cannot make decisions without a public meeting. A question was raised as to how the Board can function day-to-day and a suggestion was made to have a special meeting that homeowners can attend even if only two board members can be present. Don stated that he will ensure he no longer gets involved in meetings

outside of official meetings. Mark stated he is not able to meet everyone's needs so future special meetings will be called without trying to accommodate individual schedules.

3. Don presented an interim 2018 budget and the Board went over each existing budget line and increased those determined to be lacking. Those figures will be plugged into the spreadsheet by Don and a proposed budget will be presented at the next meeting. Bill made a motion to accept this interim budget proposal, seconded by Don and approved by this vote: Bill-Yes, Don-Yes, Mark-Yes.
4. The discussion of executive session will be postponed.

Next Meeting: Second Monday, December 11th, 6pm at Ross Aragon Community Center. Mark thanked Sharon for taking the minutes, the committees and officers for their work.

The meeting was adjourned at 9:10 pm.

Sharon Jennings/Minutes