

Loma Linda Subdivision Homeowner's Association
Minutes of the Board of Directors
October 9, 2017

Directors present: Mark Douglass, Bill Trimarco, Don Haywood
Members present: Sue Wells, Al and Jo Myatt, Sharon Jennings

Mark called the meeting to order at 6:00 pm. Minutes of the September 11 Board meeting were approved as presented.

Homeowner Open Forum:

- 1) Sue felt communication between the Board and Homeowners was lacking pertaining to advance notice of meetings and posting of summary minutes.
- 2) Lisa Jensen, who could not be at the meeting, provided written communication regarding communication with the Board and felt the HOA wasn't enforcing specific CC&R's.

Treasurer's Report:

Don presented the Financial reports, checks written, and Receivables due from homeowners. Sue questioned amount budgeted for Socials and will review her copy of the budget and notify Don of that amount. Don made a motion to accept the reports, seconded by Bill, approved by the following vote: Mark-Yes, Bill-Yes, Don-Yes.

Architectural Control Committee:

- 1) Jo Myatt submitted a report of recent actions handled by the ACC. There was one home construction approval and three inquiries from prospective land owners (Jo referred them to our website and the CC&R documents).
- 2) Mark asked about the completion of building project #1 (attaching garage to house) at the Smith home on Saddleback as the submitted drawing didn't match the current appearance and they had already started on the greenhouse (project #2). Bill made a motion to have the ACC contact the homeowner and find out if the first project is done and seconded by Don who added that if it's not complete, the ACC should ask when they expect the first project to be finished; approved by the following vote: Bill-Yes, Don-Yes, Mark-Yes. They may have a year to complete a project.

Fire Wise Committee: No report

Nominating Committee: Ballots for the Board seat becoming open in January have been mailed by the CPA.

Metro District: Next meeting is October 13th.

Old Business:

- a) ACC candidates-After thorough discussion, the Board decided to standardize the way appointments are made to the ACC. Mark will send out an email to all property owners inviting prospective candidates to meet with the Board at the next meeting for a time of Questions/Answers. Bill will create a series of questions which the president will ask the candidates; Jo will send questions to Mark as well. The Board will ask follow-up questions as they arise. Appointed members will sign a form similar to what the Board members sign to ensure their understanding of, and agreement to follow, the Bylaws and CC&R's. There was a consensus among the Board to follow this new process.
- b) Declaration Amendment Process-Don suggested the CC&R's be changed to amend the current requirement that 51% of members vote for a change be increased to a higher number (a super majority). After additional discussion about the need for further review, Don asked that the issue be tabled for now.

New Business:

- a) Review of nine required HOA Policies to be in compliance with the State of Colorado.
 - Policy #1 Adoption of Policies policy:** Allows the Board to adopt policies and procedures to explain existing policies, create or modify policies, submit changes to the membership and invite their comments through website post, etc. As written, policy seems clear yet leaves room for deviation by Board if needed. Don made a motion to present Policy #1 to the membership for comment; seconded by Bill and approved by the following vote: Don-Yes, Bill-Yes, Mark-Yes.
 - Policy #2 Alternative Dispute Resolution policy:** Would be used if a dispute goes beyond the standard HOA governing documents. Language appears to be straight forward and standard. Bill made a motion to present Policy #2 to the membership; seconded by Don, approved by the following vote: Bill-Yes, Don-Yes, Mark-Yes.
 - Policy #3 Investment of Reserve policy:** Addresses the assets of property the HOA has responsibility for (such as the Mail Stop cover); allows for the removal of the reserve amount from the Balance sheet to another account. Bill made a motion to present Policy #3 to the membership; seconded by Don, approved by the following vote: Bill-Yes, Don-Yes, Mark-Yes.
 - Policy #4 Reserve Study policy:** Covers physical and financial analysis; creating a baseline for any work needing to be addressed within the subdivision (such as determining what is causing water leakage into the Mail Stop and setting aside funds to fix the problem). Bill made a motion to present Policy #4 as written to the membership; seconded by Mark, approved by the following vote: Bill-Yes, Mark-Yes, Don-Yes.
 - Policy #5 Conflict of Interest policy:** Board members must disclose any conflict affecting any vote or discussion and recuse themselves. Discussion surrounded the section 'party related to a director' meaning that all relations to a director are impacted and fall under this disclosure requirement. Bill made a motion to accept Policy #5 for HOA review; seconded by Don, approved by the following vote: Bill-Yes, Don-Yes, Mark-Yes.
 - Policy #6 Inspection of Records policy:** Pertains to requests to inspect and obtain copies of Association records (some documents such as salary lists would be excluded); fees can be charged for copies requested. Discussion to change the 10-day time limit to 30 days under sections 3A and 3C; Don will check rule with CIOAA. Bill made a motion to accept Policy #6 with changes and present this policy to the membership once the time limits are reviewed and if approved under CIOAA; seconded by Don and approved by the following vote: Bill-Yes, Don-Yes, Mark-Yes.
 - Policy #7 Enforcement policy:** The fine structure needs to be reviewed; possibly increasing fines depending on the severity of the issue (a graduated approach). Change the 10-day time limit throughout the document. Suggest checking with the PLPOA on how their fees are structured. To allow for additional Board review and follow-up, this item will be moved to a future agenda/meeting.
 - Policy #8 Conduct of Meetings policy:** As written, this policy, regarding voting for contested seats in an election, is not in conformance with our recently updated Bylaws which requires a mail-out ballot. Additional review and comparison with Bylaws is needed to determine if policy should be changed prior to submitting to the homeowners; this item will be moved to a future agenda/meeting.
 - Policy #9 Collection policy:** Board was informed by the lawyer that this policy, signed in January 2014, is already signed and in place. Fines seem to be light; an escalating fee structure will be discussed and PLPOA will be contacted on their process. Mark made a motion to accept Policy #9 as written except for the possible amendment to the fine structure; seconded by Don, approved by the following vote: Mark-Yes, Don-Yes, Bill-Yes.
- b) Short-term property rentals: Loma Linda subdivision is considered Rural Residential and lodging uses are not allowed; less than 30-day rentals are considered a lodge (a commercial enterprise) and a lodging tax must be paid. This is a zoning issue. Any inquiries received will be referred to the County of Archuleta. A notice will go to home owners about short-term rentals. Long-term rentals (over 30 days) seem to be acceptable.
- c) ACC enforcement authority: Board needs to be careful as to statements that are made to homeowners pertaining to what is legal or not legal. Don made a motion that in the absence of the president, the vice-president will be the next in line to respond to email inquiries and if the vice-president is not

available then the Board secretary will respond; seconded by Bill, approved by the following vote: Don-Yes, Bill-Yes, Mark-Yes.

- d) Perimeter cattle fencing: Bill reported cattle from an Echo Canyon Ranch property broke through a wire fence erected by the ranchers and were on his property. He contacted the Ranch; the current owner agreed to replace the fence section with barbed wire (a rancher had originally replaced the barbed wire fence erected by LL HOA some years ago). Reviewing the entire perimeter fence will be added to the work list for funding from the Reserves.

There is ground erosion in the back section of Loma Linda near the Wildwood area which needs to be addressed.

Next Meeting: The next Board meeting will be Monday, November 13th at 6:00 pm. The board decided that a routine date of the second Monday of each month be assigned for Board meetings so homeowners who wish to attend will know the dates upfront.

The meeting was adjourned at 9:10 pm.

Sharon Jennings/Minutes

Al asked if he could cut down the dead Aspen trees around the Mail Stop structure. There is also a large block of concrete that needs to be removed. A question was asked if this was a Metro District issue.