

Loma Linda Subdivision Homeowner's Association
Minutes of the Board of Directors Meeting
June 5, 2017

Revision 1

Directors present: Bill Trimarco, Mark Douglass, Don Haywood

Members present: Kent and Sharon Jennings, Carolyn Schwulst, Peggy Beach, Farrell and Barbara Trask, David Parker, Curt and Donna Grindal, Al and Joe Myatt, Sam and Annie Pack.

The meeting was called to order by Bill Trimarco at 7:02 pm. Bill distributed copies of the agenda and the sign-up sheet was passed around for members.

Metro District Report: Dave Parker stated that summer maintenance was going to begin. Don asked if MagCloride spraying was scheduled. Dave said no. The company, GMCO, who has been doing it, is pulling out of the county. Dave also said the Metro grader was put up for sale at a price of \$18,000.00.

The minutes of the May 1st Board of Directors meeting were reviewed. Sharon Jennings noted that the number of proxies reported at the meeting was 38, but that at the end of that meeting an additional proxy form was turned in so she updated the count to 39. A motion to approve the minutes was made by Don Haywood, seconded by Mark Douglass and approved by voice vote.

The minutes of the May 22nd Members meeting, called for the Nominating Committee to count the ballots received on the issue of changing the Members Annual meeting from December to July or August, were reviewed and approved as submitted by Bill Trimarco.

Financial Report: Bill distributed copies of the Profit & Loss and Budget statements for the period ending May 31st. The HOA has assets of over \$56,000.00. A motion to approve the report was made by Don, seconded by Mark and approved by voice vote. The report will be posted on the website.

Bill reported that about thirty-five lot owners were 90 days past due on payment of their HOA fees and noted that at six-months past due a lien could be put on the property. The Board reviewed the list of homeowners, but it won't be publicly posted for privacy reasons. He will request that the Accountant send a reminder notice. In addition, Bill will email owners the reminder. He has had inquiries from some residents as to where their notice was. Delays may be due to postal service issues (lost or misrouted).

Old Business: Bill stated that a noxious weed abatement reminder was being sent by email from the ACC to all property and homeowners to be proactive about keeping noxious weeds under control before they bloom and start spreading. This is both a State and CC&R requirement. A more pointed letter will be sent to specific property owners who have had past documented persistent cases of noxious weed problems. Right now, the weeds aren't tall enough for a drive-by assessment to be made as was done in previous years. The roadway easement should be sprayed by the County, but there is a backlog of requests. Homeowners may independently ask the County to spray their property. The ACC should be responsible for and has the authority to level fines for properties whose noxious weeds are not controlled. Mark shared that he has had success using a 20% Vinegar solution on his weeds. It is a natural acidic and just about as cheap as Round-Up. It kills anything it touches, but is safer to animals. It can be purchased online.

ACC Report: There was no official report available. One resident was denied a permit to build an additional structure; their appeal will be presented later in the meeting.

FireWise Report: Peggy Beach distributed copies of the June FireWise bulletin. She said there are lots of mitigation projects happening in our subdivision and mentioned that there are grants available to homeowners for mitigation and rebates in effect for chipping. Before and after pictures are needed for the mitigation efforts. Peggy reported that the Wildfire Urban Interface Checkpoint (by our mailstop) in May was successful. The team was able to provide fire safety handouts to drivers, bikers, and walkers. The report with pictures will be placed on the HOA website. We were reminded to contact Peggy or Al and Jo Myatt for any questions on FireWise activities.

Bylaw Report: At the May 22nd Members meeting a majority of votes were cast in favor of changing the Annual Members meeting from December to July or August. Our Bylaws, as amended will be filed with the County as required. The change allows the Board to set the final date leaving some flexibility to take into account member, caterer and venue availability. Notices to all home and property owners will have to be sent as far in advance as possible to allow all owners the opportunity to plan to attend.

Election of Officers: Don stated that officers to the Board are generally elected at the first meeting after the election. There are four officers: 1) President (presides at the meeting and serves as the HOA spokesperson handling email responses and inquiries), 2) Vice President (serves as backup to the President and serves in his absence), 3) Secretary (keeps all records of the HOA, but is not the preparer of the minutes), and 4) Treasurer (keeps all financial records of the HOA, but is not the person who creates the financial reports). A Board member may take on more than one office (though not as both President and Vice President). Don stated that since only three board members are seated that it made sense for the Secretary and Treasurer to be handled by one person.

Don proposed that the following slate of officers be elected for the following terms (taking into consideration that the term of the current Board members are shortened by about six months due to the late election):

President: Mark Douglass (2 ½ year term remaining)

Vice President: Bill Trimarco (1 ½ year term remaining)

Secretary/Treasurer: Don Haywood (1/2 year term remaining)

Discussion: Bill noted that a first year officer is usually not seated as President so that they have the chance to obtain more experience about appropriate procedures. He explained that no decisions can be made or business conducted by electronic means per CCIOA regulations. Bill proposed that he remain President to finish the year. Mark thought that emails could go between board members and felt that he could lead appropriately following the Bylaws and Covenants. Don called for a vote on the slate of officers as earlier proposed; Bill nominated himself as President for the remainder of the year. The slate of officers (President-Mark Douglass, Vice President-Bill Trimarco, Secretary/Treasurer-Don Haywood) was seated by majority vote of the Board.

July Board Meeting: It is not necessary to have a Board meeting every month, but the Board does have to respond to certain business activities, such as homeowner appeals, within specific timelines.

Annual Members Meeting: There was discussion, including input from the members present, about the best date to hold the annual picnic and members meeting. Sunday was deemed best for those who work weekends. Two dates were eliminated because of conflicts (August 6 is the final day of the Archuleta County Fair and several LLHOA members were involved with the Fair; August 13 was when one of the Board members was already scheduled to be gone). The agreed upon date will be Sunday, July 30th as even most part-time residents are here then.

Homeowner Appeal: Don began by reading from the CC&Rs, Article 6 that an ACC disapproval notice can be appealed by the homeowner within 60 days of the notice. The HOA Board then has 30 days to respond. The denial was issued by the ACC stating that this would be the fourth structure on the property. The CC&Rs

allow one residential building and two non-residential buildings. The ACC suggested the homeowner appeal to the Board. The appeal was raised by the Packs pertaining to a new shed they want to erect as an improvement to their property. They feel the structure that connects the house to the garage and is attached to the house makes it one structure. The question was raised as to whether a breezeway between the residence and the garage constituted one structure or two (there is another portable building on the property). Don read that 'based on past precedence' a breezeway (which is not an enclosed structure) is not part of a house. Bill noted that in HOA definitions used in the past, a 'roof structure without walls' is not considered attached. The Packs were asked if they would consider enclosing the breezeway, but they are not considering this expense and will withdraw their request for appeal of the proposed structure. A clarification is needed to indicate that the existing portable garage be approved; the Board will contact the ACC on that issue.

To allow this build as stated would require a revision to the CC&Rs. Several members indicated they too would be interested in being allowed an additional structure. Mark agrees that the CC&Rs should probably be amended, but such a change would require a vote by the HOA membership.

Member comment: Farrell Trask noted that during the Election of Officers, Don Haywood was not specifically identified by name when he presented the slate of officers. This was remedied by restating the slate with each officer's name.

Board Procedures: 1) Don suggested posting minutes in Draft form so that property owners can see what has been discussed. His concern is that by the time they are approved at a meeting it may be 45-60 days before others can see them and they are outdated. He suggested they could be stamped 'preliminary'. Bill stated that by the time the minutes are done the business being taken is already over and done; he was not in favor of posting in advance and stated it was unwise according to several legal opinions. Don said he was trying to be more communicative with the homeowners. A motion to post Draft Minutes for all HOA members, after the Board reviews them, was made by Mark, seconded by Don and approved by majority voice vote (Mark and Don voted in favor, Bill was opposed).

2) Bylaws: Don stated that the Bylaws were vague on the issues of how the Board is nominated and elected. The Bylaws can be amended by a majority of members present at a members meeting or by proxy. He distributed proposed Bylaw changes showing the current and proposed procedure changes. This list included the current change to the date of the Annual Members meeting. He asked that all members review the proposals and let a Board member know their opinion. Bill agreed that it would take time to digest all the information and noted that a ballot cannot be mailed out to members and a vote taken at the same meeting; a cut-off date should be provided. Don said the Board needs to resolve Bylaw changes among themselves and then present it to the members. Mark asked for confirmation on the current direction that a 'non vote' is the same as a 'no vote'. He suggested that the Board review and deliberate all opinions and come up with a consensus. Don reiterated that he just wanted to get the conversation started among the Board. A special meeting of the Board (open to the HOA membership) was scheduled for June 19th at Ross Aragon Community Center to allow the Board to share ideas and compare feedback given by any members.

3) A letter to the HOA regarding pending amendments to the Bylaws should be drawn up.

ACC Procedures: Don wanted to talk about this, but since the ACC Chair is not present this will be tabled for a future meeting. Bill presented two legal opinions pertaining to the use of metal/prefab buildings in Loma Linda.

Declaration amendment process: Don informed us that Bylaws can be amended by a majority of the members at a meeting. However, the CC&Rs require that 51% of all lot owners vote for an amendment. This is a problem because of the 'non vote' is the same as a 'no vote' ruling. Discussion: Only ballots submitted

should be counted; eliminate the 'non vote = no vote' existing rule. Bill does not want it to be easy to change the CC&Rs. Carolyn Schwulst suggested it was unrealistic to use the existing rule. There was additional discussion about the inadequacies of that ruling and other items in the CC&Rs that should be reviewed including 1) the rule allowing only two grazing animals per lot (perhaps it should be changed to a certain number per acre), 2) the rule regarding propane tank screening. There were some reasons to make the CC&Rs more easily amended. Carolyn asked if there was an existing committee looking at the CC&R changes. Bill said no; the ACC had volunteered to review the CC&Rs to see where amendments might be warranted. Mark felt it was important to know what the homeowners need and want to see in their HOA; he feels that a vote should be a conscious action rather than a complacent inaction where a vote counts if you don't do anything. Bill suggested changing the voting requirement to something other than a simple majority...possibly requiring a 75% rather than the current 51%. All are encouraged to get feedback to the ACC. They can then filter out and narrow down the most pressing items to be dealt with. Mark reiterated the Board was here to serve 'all y'all'.

All property and home owners can mail any concerns or questions to the Board at the HOA email address. It is the President's responsibility to respond to owners on behalf of the Board.

Loose Dog Issue: Mark mentioned that there have been recent problems about homeowners allowing pets to run loose off their own property. He reminded us that there is a County ordinance regarding loose pets. A pet must be in close proximity to its owners. Though our HOA has a statement about loose dogs it isn't very specific. There was discussion about what homeowners could do when they observe or are bothered by loose pet activity which included posting a notice on the public bulletin board at the mailstop, reporting loose animals to the Sheriff's office or Animal Control, posting a notice on the HOA website, adding a reminder to any future member mailings, putting up signs (similar to the FireWise style sign) on our roads, etc. Bill made a motion to have Mark draft up a letter pertaining to pet responsibility, have it reviewed by the Board and sent to all property and home owners.

The meeting was adjourned at 8:55 pm.

Submitted by:

Sharon Jennings / Recording Secretary