

Loma Linda Subdivision Homeowners Association
Minutes of the Board Meeting
September 14, 2020
(Via Zoom online conferencing)

The meeting was called to order at pm 6:03pm by president, Bill Trimarco.

Directors present: Bill Trimarco, Don Haywood, Cathy Riddell

Members present: Rita Jensen, Tom Highsmith, Al and Jo Myatt, Beverly Chester, Matt and Maggie Fischer, Lisa Jensen, Sharon Jennings

A motion to accept the minutes of the August 10 Board meeting as written was made by Cathy Riddell, seconded by Don Haywood, and approved by a vote of Don-Yes, Cathy-Yes, Bill-Yes.

Homeowners Open Forum: 1) Sharon will purchase and replenish the ice melt at the mail station. 2) Bill noted that junk mail is being left at the mail station but should be taken home and disposed of or recycled there; trash service is not offered at the mail shed. 3) Bill said that the San Juan Conservancy District provided some 3" plastic markers to be affixed in several places along the perimeter fence line. 4) Al reported that residents may experience a brown water issue because of a water main break along Highway 84. PAWS will be contacted.

Treasurer's Report: Don Haywood shared the financial reports as of August 31st. The Operating fund has a balance of \$43,602.78 and the Reserve Fund has a balance of \$22,602.01. A motion to approve the reports as presented was made by Bill Trimarco, seconded by Cathy Riddell, and approved by a vote of Bill-Yes, Cathy-Yes, Don-Yes.

Committee Reports:

ACC: Jo Myatt reported on several applications submitted and approved:

- a) McCann, Eight Mile Loop – Replace fence, add greenhouse
- b) Nguyen, San Juan – Improvements to deck, mitigation projects
- c) Taylor, Loma Linda – Extend garage roof, add retaining wall. Variance on set-back has been requested; must be documented for future proof.
- d) Sautel, Eight Mile Loop – Storage shed

A special meeting of the ACC was held on September 11 to make decisions for:

- a) Steppenhof, Loma Linda – Additional 8' addition to garage
- b) Leach, Lookout – Rock and mortar work on foundation

A second special meeting is scheduled for September 16 to allow applications to be reviewed for property owners who are ready to begin construction, but need their applications approved quickly first.

Second warning letters for noxious weed violations were prepared and ready to send to six property owners that had not responded to the first letter. Archuleta County is scheduled to spray on two additional lots.

Fire Wise: Al Myatt has an email for the Board to send out to all property owners requesting that hours worked on mitigation projects this year be sent to the committee whether the work was contracted out or done by the property owner.

Old Business:

Proposed ACC Rules, Regulations, Standards:

1) Dwelling Size—Don reviewed the clarification to the wording used pertaining to dwelling size explaining that the purpose was to allow specifics to be interpreted by the ACC. A motion to oppose the revisions to the policy in this section and that the ACC not be allowed to use the revised policy as presently worded was made by Bill Trimarco, seconded by Cathy Riddell, and approved by a vote of Bill-Yes, Cathy-Yes, Don-No. Discussion: The revised wording conflicts with the wording of the CCRs; it is not clear if an ACC rule can be changed to be different from the CCRs. Until the CCRs are properly updated, the ACC must follow the CCRs as written. The CCRs do need to be updated and though a cumbersome process it is possible to get it done after lots of discussion among members and follow-up by the Board. Wording for any updates need to be noticeably clear and understandable by the members. The word "average" is a sticking point; language that is conflicting needs to be clarified. The ACC should be allowed to make interpretations as it may be difficult to make every issue too black or white. Need to follow the proper process for keeping our documents updated and the Covenants changed. Covenants need to hold up under scrutiny. Need 51% of our total 197 lots to approve changes to the Covenants. A non-vote is the same as a no vote. A petition to change the CCRs required twenty plus signatures. Need to find out if the membership is interested in making this change to the CCRs and other changes previously suggested (including the number

of grazing animals per lot, the size of the second story of a residence, etc.). A committee should be formed to evaluate all suggested revisions to the CCRs.

2) Structures Allowed on any lot—A motion to approve this section of the policy was made by Don Haywood, seconded by Cathy Riddell, and approved by a vote of Don-Yes, Cathy-Yes, Bill-Yes. Discussion: Don stated the language was clarified as to what a building was versus any other type of structure (propane tank screen, fence). There is no such thing as a non-residential dwelling.

3) Structure Approval Requirement—A motion to approve this section of the policy as presented was made by Don Haywood, seconded by Cathy Riddell, and approved by a vote of Don-Yes, Cathy-Yes, Bill-Yes. Discussion: This clarifies that standard maintenance to an existing structure does not require ACC approval though this does not include such items as changing of outside color or replacing siding.

Process for Election of New Board Member:

Rita Jensen has volunteered to be on the HOA Board. According to the Bylaws, if a single nominee is presented at a members meeting, a quorum of those present could elect. If not, then a secret ballot is needed. The Board authorized Don Haywood to work with the CPA to have a ballot sent out to each property owner.

Final ACC Violation Warning Letter:

Don Haywood presented the third version of the Notice of Covenant Violation Policy Enforcement which would be sent by the ACC after receiving no response to letters 1 or 2 and where no action has been made to rectify the violation. A motion to accept the third revision of this letter was made by Bill Trimarco, seconded by Don Haywood, and approved by a vote of Bill-Yes, Don-Yes, Cathy-Yes.

Forest Service Access:

The HOA wanted to determine if the Board should physically go to the site and mark all four corners or get an official measurement and marker placed rather than just using the Realty survey marker. Easements are essential to the HOA and they should take on this matter. A motion that the HOA request and fund a survey of the Forest Service access route adjacent to lots 70 and 77 in order to locate and mark the actual property lines using the Improvement Survey Plat was made by Cathy Riddell, seconded by Don Haywood, and approved by a vote of Cathy-Yes, Don-Yes, Bill-Yes. Don will follow up on this issue. Discussion: The Bradford's Eight Mile Loop property fence appears to encroach about 25' over the line onto the Forest Service's easement. Lot 70 begins and ends on the right stake not the left stake; it seems the surveyor marked the wood lathe stake incorrectly. Tom Highsmith noted that a Forest Service marker exists in the back of the property. The roadside marker encroaches 10' on the adjacent lot and 15' into the easement. Another marker shows the point of curvature of the road (PC), but that has nothing to do with the easement. Often official markers are covered over by mud, etc. making them hard to find.

New Business:

A suggestion to amend the Bylaws and change the structure of the Board was submitted by resident, Matt Fischer, by increasing the Board to five directors which would include a member of the ACC Committee and a member of the FireWise Committee as two additional voting members on the Board. This would spread the work of the Board among more people with specific duties and allow for more flexibility in Board voting. A written description and organizational chart were presented. There was much discussion including finding people to fill slots, maintaining a contracted CPA for financial reporting, how appeals would work if an ACC and/or FireWise member was on the Board (would it be necessary for them to recuse themselves on any issue going to the appeal process), ensuring all Board members are included on D&O insurance, and getting familiar with CIOAA rules. A proposal to amend the Bylaws could be started by a homeowner and submitted for a vote at the next annual members meeting.

Next Meeting: Monday, October 12 at 6:00pm via Zoom online conferencing.
The meeting was adjourned at 7:53pm.

Sharon Jennings/Recording Secretary