

Loma Linda Subdivision Homeowners Association
Minutes of the Board Meeting
September 13, 2021

The meeting, held via Zoom online, was called to order at pm 6:01pm by president, Bill Trimarco. Bill asked Tom to act as timekeeper for comment periods.

Directors present: Bill Trimarco, Rita Jensen, Tom Wennerlund. Members present: Al and Jo Myatt, David and Jean Smith, Bob St. Cyr, Sue Wells, Lisa Jensen, Steve Hendrix, Bill and Sherry Milligan, Robert and Anne Farris, Annie Pack, Steve and Shelley Baker, Matt and Maggie Fischer, Kent and Sharon Jennings, Bernie Sautel, Nancy Dorenkott, Bruce and Allison Peeler, Dustin English, Patricia Vyzralek, Lea Young, Doris Leitch, Jim and Grace Walker, Clyda Elginer, Randy and Joanie Wittenburg.

Minutes: A motion to accept the minutes of the August 9, 2021 Board meeting as recorded was made by Tom Wennerlund, seconded by Rita Jensen, and approved by a vote of Tom-Yes, Rita-Yes, Bill-Yes.

Open Forum: a) Robert announced the Loma Linda Neighbors directory was almost ready to be emailed to those who provided contact details. He apologized to anyone not get included; they would be in the next update. b) Bill T. thanked Matt for constructing and installing the Lending Library at the mail station. c) Matt asked for an update on the damage to the east fencing near the forest service gate caused by the car accident. Bill T. said a contractor was scheduled to come out this week both for the fence repair and to deal with the drainage issue at the entrance to the mail station. A waste pile of barbed wire and wood previously left there should be cleaned up to avoid harming animals. d) Steve H. asked for an update on the fire hydrant maintenance and the forest service easement on the property on Eight Mile Loop. Bill T. will send Justin Ramsey's (administrative director for PAWSD) contact info to Steve who will head up the project. The Board is looking into the easement with the County to find out options on what could be worked out with the Bradford's. No further action was taken on the prior issue about having three horses who were here for three weeks. e) Doris thanked those who responded with comments on Short-Term Rentals to her email. She sent information out, noted it was also on the HOA website (resident information) and on the County website (arculetacounty.org/vacation-rentals). There is a 24-hour complaint line where the homeowner or property manager would be contacted, and an online form for any performance standards/nuisance violations (noise, trash cans left out for days, etc.) and/or code enforcement issues. There are presently two active STRs and one STR application on hold pending a hearing. f) Jo asked about financial records missing from the website; mostly balance sheets, but also past due receivables that might be from unpaid HOA dues which she would like to know. She will provide Bill T. a list of items she found to be missing. She asked if a collection agency or attorney had been contacted regarding residents with delinquent dues. Bill T. said first notices were sent and he will check into the next letters with the outside accountant. He said liens may need to be placed on those properties.

Treasurer's Report: Bill T. displayed on screen and reviewed the financials as of August 31 sent to all Board members and the recording secretary (Balance Sheet, Profit and Loss, Actual versus Budget). The Operating Account balance was \$47,554.64; the Reserve Fund balance was \$22,608.78. Comments: Board will send the ACC details on the \$150 weed fine payment from Robert Nolan's property. Legal fee expenses in June were more than budgeted, but not over the yearly budget. Professional fees include outside accounting services and bookkeeping. The HOA is paying for the cost of the fence damage, expected to be about \$200, as the car owner is not able to be tracked. Anne noted that she had a photo of the car in question which may have a license plate. A motion to approve the financial reports as shown was made by Rita Jensen, seconded by Tom Wennerlund, and approved by a vote of Rita-Yes, Tom-Yes, Bill-Yes.

Committee Reports:

FireWise: Al thanked the Board for sending out email notices on the September 28 and 29 (and possibly 30th) Chipper Days. Any resident with few branches can drop theirs at Al's home and he will include that with his chipping. Bill T. said there are no FireWise funds left for cost sharing. The HOA has \$10,000 in the Environmental budget fund and suggested this fund be used to assist residents with their Chipper Day project. A motion to

reimburse residents 50% of their chipping expenses, upon receipt of a copy of their chipper day invoice was made by Bill Trimarco, seconded by Tom Wennerlund, and approved by a vote of Bill-Yes, Tom-Yes, Rita-Yes. Al will head up the reimbursement project and coordinate resident repayment.

ACC: Jo reported on the September 7th meeting. The committee approved the Structures document and the ACC Complaint form. Thirteen letters for noxious weeds were sent to the Board to be mailed with a fine invoice.

Old Business:

a) ACC Complaint Form – Bill T. noted the complaint form was posted August 15 and requires a 30-day resident comment period, so the comment period is still open. The form can be adopted at the next ACC meeting and then implemented after Board approval. Some comments have been received. Resident complaints about covenant violations must be made in writing to the Board; Bill T. was not sure why the ACC needed a complaint form. Any complaints filed need specific data requirements (name of complainant, name/address of where the suspected violation is, when it happened, and what they think the violation is).

b) Structures Policy – The 30-day resident comment period is still open. Grace felt there was an overstep of power/infringement of rights by a committee in requiring permission to have a firewood pile at her house. Bill T. said to send comments to the ACC or the Board. Tom asked why a policy was rewritten that just went into effect in mid-2020. Bill T. said there were additional changes being considered by the ACC.

c) Ballot Status – Residents should be receiving the amendment ballot by mail; the officer election ballot will be coming soon. On the ballot for election of officers, legally and according to our covenants, which do not specify otherwise, it is within our rights to allow votes only from members in good standing. For the amendment ballot, votes should be accepted from all members and not be limited; the Board will follow Colorado law.

Resident Comments: 1) Some States' HOAs specify member dues must be paid up in order to vote, 2) Do not change the rules for voting mid-election, 3) the HOA policy regarding Dues and Assessment Collection (D) states people delinquent in their dues are subject to suspension of rights, 4) A question on how the CCR ballots are being counted was asked. To ensure a level of comfort and total transparency with the ballot opening/counting several residents felt that a resident should be present. At an Executive session with the lawyer present it was decided by the Board that an independent, disinterested third party be appointed to count the proposed CCR amendment ballots; the officer election ballots will be counted with HOA committee present. As there was some disagreement among the Board a suggestion was made that they meet again to ensure all directors are under the same understanding.

A motion to have a disinterested third party handle the CCR amendment ballot was made by Bill T, seconded by Tom W, and approved by a vote Bill-Yes, Tom-Yes, Rita-No. Discussion: The Board should go with current policy as long as not in conflict with State statutes. HOA procedures are in place and should not be changed at this point in the process. The Board reached consensus that members who are in arrears and considered not members in good standing shall not be counted in the vote. Trish McInnelly will handle the tally for ballots on the covenants. Bill T. said a committee should be formed to verify the results. Nominating committee members will be in charge of counting ballots of the officer elections.

New Business:

a) 2022 Draft Budget – The budget is determined by the current Board, not by committee; the new Board can change the budget with a resolution to move funds from one category to another, etc. The draft budget was displayed, the 2021 budget was compared with year-to-date figures to determine where the HOA may be short or over funded. The draft will be formatted to a spreadsheet, posted on the website for comment, and adopted by the Board after the 30-day posting (hopefully before December). Bill T. will check to see if it must be put into the newspaper. A motion to accept the draft budget as put together was made by Rita Jensen, seconded by Tom Wennerlund, and approved by a vote of Rita-Yes, Tom-Yes, Bill-Yes. The draft budget will be attached to these minutes as part of the official record rather than being listed specifically within the minutes.

The Board needs an assigned Treasurer; this position does not have to be a Board member. Neither the President nor the Vice President can hold another office. Tom volunteered to serve as Treasurer which involves preparing/presenting a draft budget (done tonight) and presenting financial statements monthly at the meetings based on documents prepared by the outside accountant through QuickBooks. A motion to elect Tom as Treasurer was made by Bill Trimarco, seconded by Rita Jensen, and approved by a vote of Bill-Yes, Rita-Yes.

Bill T. would like to have a class for current board officers by the end of September on how to run Zoom, website, MailChimp, etc.; he can review these items with the new Board in January and provide account passwords at that time. Sharon agreed to assist posting minutes, etc. on the website.

Bill T. shared that Trish, outside accountant, feels she is not trusted because the nominating committee wants to be there when envelopes are opened and that some ACC and Loma Linda residents have contacted her or dropped in on her at her office. Bill T. asked that no HOA or Board member contact her directly unless through official channels.

b) Board Response to Complaint of Board Member Conduct at Meeting – Tom reported that based on behavior shown at an Executive Session, Tom and Rita recognized that Bill Trimarco violated two policies, Conduct at Meetings 1(b)(l) and Ethics Code 7a. They sent a letter to Bill T. and to the complainant, Jo Myatt. Bill T. apologized to the Board and to Jo Myatt for losing his temper and swearing at the meeting.

c) Review and Response to ACC Actions placing the HOA in Legal jeopardy – Bill T. prepared a list of documented ACC actions where he felt the ACC overstepped their authority, made arbitrary enforcement decisions, and ignored directives from the Board. He provided a copy to the other directors and a copy can be requested by writing the Board. The document provided will be attached to these minutes as part of the official record rather than being listed specifically within the minutes.

Resident comments and extensive discussion followed (this is only a sampling): Jo Myatt works hard and follows the CCRs. All committee members are volunteers. Property lines, used in determining weed violations, may not be easily recognized. Potential buyers should have been told they must follow present CCRs. Survey on Dorenkott fence dispute was costly to property owners so they are not willing to share the results. Minutes of ACC meetings are not prepared by Jo but are sent to Board so any deficiencies should have been brought up to the ACC earlier. A manual on how to eliminate erosion around the Nguyen's road building effort was given to them after the road build had been addressed and stopped. There was a time lag between the time the ACC sent letters to the HOA for mailing and when they were sent out. No action should be taken on existing committees now; wait for the new Board to begin. Agree to move forward and get along. Will work through issues and problems. Responsibilities and roles need to be defined. Letters sent from ACC don't ask for anything improper.

Bill reiterated that decisions are made by the entire Board, and they are trying to follow the rules and open meeting laws. He is concerned about the possibility of lawsuits against the HOA which could keep the HOA from obtaining insurance and feels the ACC is working against the Board. Bill T. proposed that Jo Myatt be removed as chairperson of the ACC with an ensuing vote of Bill-Yes, Rita-No, Tom-Abstained. Jo Myatt remains on the ACC committee. Bill T. said he has tried everything he could to ensure the Committee functions as it should.

d) Preparation and Training for incoming 2022 Board members – Bill T. will set a date and then notify the Board members and recording secretary. Some items, like account passwords, can only be given to current directors until the new Board takes over in January 2022.

The next regular Board meeting will be changed to Tuesday, October 12th at 1:00pm because Monday the 11th is a federal holiday.

A motion to adjourn the meeting at 8:55pm was made by Tom Wennerlund, seconded by Rita Jensen, and approved by a vote of Tom-Yes, Rita-Yes, Bill-Yes.

Sharon Jennings
Recording Secretary

Minutes approved October 12, 2021 as recorded