

## CARRIAGE HILLS POA BOARD MEETING

JULY 2<sup>nd</sup> 2024

Meeting called to order at 1.59 pm

**Present:** Tom Moretti, President (TM)

Jim McCormick, Vice President (JM)

Johnnie Buzek, Treasurer (JB)

Amanda Luchsinger, Secretary (AL)

Bob Leavitt, Director (BL)

David Born, Director (DB)

Michael Wold, Director (MW)

Shayne Hatz, IT advisor (SH)

Libby Rehm, Director (LR)

Jan Bridge, Director (JaB)

**Financials:** JB gave a summary: we are generally doing well, we may have a \$500 surplus at the end of the year if this continues. Financial documents reviewed, see Appendix A We have received some donations to Friends of Carriage Hills, but not a very significant amount. He is having to reconcile some memberships numbers and is still expecting more sign ups. At this time, he counts 278 members but needs to reconcile that with dues received. We may pick up more members at the Annual Community Meeting on July 9<sup>th</sup>.

We received a \$3,000 grant for fire mitigation from the County, \$7,500 was asked for, but there were a lot of applications this year. There are still expenditures for the rest of the year (slash pick-up, Fall newsletters, Annual Meeting, Community Picnic, ongoing legal fees.) Other expenditures will include sign installation and legal fees, and mailing costs if there is a vote taken on mandatory dues, for example, which can be done with first class mail, as we learned later in the meeting. JM points out that Friends of Carriage Hills donations are to be directed towards legal fees.

There are some members who did not pay the full membership costs (paid last year's rate.) JB feels we should just leave that be (about \$120 total.) TM agrees. There are 10-15 people who paid too much or paid twice. JB plans to send a letter/email to them about this, offering putting the excess towards Friends of Carriage Hills, or towards next year's dues.

BL requested membership numbers from the past: 2019 was 375, for example, but he cannot figure out what was done differently then. JB feels we have had a substantial increase in membership this year because of the increase in POA activity recently, and we seem to be on the right track.

**Playground equipment fencing:** (TM) Century Link has not cleared the act of replacement fencing of their equipment at the playground at this time, expressing concerns about their fiber-optics in the ground. Estes Park authorities say they will not provide the fencing. Tom is waiting to see what Century Link comes back with eventually, as they gave verbal permission once. LR suggested talking to the town authorities again, as sometimes speaking to the right person can have a different outcome.

**Signage:** (TM) We received a refund from the Town for the permit to install permanent signs at Carriage Hills entrances, after TM took pictures of all the sandwich board signs around town, including the town's own signage, and sent the town the pictures, asking why Carriage Hills was being singled out as not allowed to use the sandwich board notices. The permanent signs are in progress, with one permit secured, and one application lost, which was resubmitted. We have a bid for \$300 from a contractor to install the first sign. Hoping to have the permanent sign by next week. The permit costs about \$150, so the sign for Scotts Avenue will cost another \$450, roughly.

**Picnic Activities:** (TM) We need some games. Some Board members have options they will lend. We can pick up food at Costco. We also need charcoal and lighter fluid. Need to try to assess attendance to know how much to buy. MW will pick up condiments and charcoal. A working group for the picnic was suggested: Libby Rehm, Jan Bridge, Michael Wold, Tom Moretti and Sally Park, will communicate. Amanda will give the Board her games and help out on the day but is on a trip until the day before. At the annual meeting we could ask for signups for the picnic and RSVPs from Facebook announcements, also. Attendees should bring a side dish. **Action item: Working Committee as listed should coordinate the Annual Picnic items.**

**Garage Sale:** Feedback from MW, who participated. Prefers to do the sale on one day only, and the second day was quiet. However, he could not do it on Friday, so only participated the second day so it is not clear whether he would have done better with a two-day participation, or not. AL noted a lot of traffic on Friday on her street, and lives on the same street as MW. TM stated that we have always done a two-day event. To be further addressed before the next garage sale.

**Slash Pick Up:** to start mid to late July per Adams Tree Service TM asks us to check on our streets for professionals putting large amounts of slash out, which has been a problem in the past. TM will call Adams Tree Service and notify them of one known offender. Suggestion was made to perhaps directly approach the offender. TM will drive over there and look at the situation. Adams Tree Service declines to use a list of paid-up members when picking up the slash.

**Website/Data Base: (BL)** New data base is up and running, which is felt to be a slight improvement over MailChimp by JB. BL is concerned about backing up of the member list, which is not currently automatic. JB suggested putting it into the Google Drive. BL is backing it up in his own computer but is looking for a tool that backs up automatically. There are two services from our data base (Updraft) that are about \$70 per year each. TM feels we should go ahead and pay the fees (PHP/MyAdmin system is possible per SH, but BL prefers to use the current service to back up data.) The payment lets us back up our own files and the WordPress itself. We may need to expand the Google Drive to accommodate extra data. BL, JB and SH will speak about this together.

Also, BL has a list of 99 residents whose property has sold in the past two years, and we don't have a lot of these owners as members, so it is hard for us to follow this. Someone needs to go through the list and update names and addresses. Secretary, AL, has already offered to do this, but needs training and data base access. BL was planning to train her, but was recently ill and had to defer. Source of the information about change in property ownership is Larimer County Property Search, correlated with our own data base. JB expresses concerns that there may be confusion about various sources of information, and trying to decide which version is correct. Separate discussion is needed. We have been doing our membership mailings based on Country records. Meeting of JB, BL, AL, SH suggested, to work on these issues, BL will take the lead on this. SH says he could write a script to make updates and backups automatic and show which records are different. Ultimately a human has to look at the differences found to verify which is correct. None of our data is visible to the public. **Action item: BL will coordinate a meeting with AL, SH, JB to discuss various IT issues and changes needed.**

**Potential Wild Animal vs Pet Risk:** Jan Bridge would like to see information in the Spring Newsletter about potential issues regarding elk/deer/bear/wild bird interactions. JaB recently lost her dog in a mother elk attack. LR will continue her social media efforts in this regard. JaB tried to get a Ranger to the annual meeting, to discuss this issue, but there is not a Ranger available. LR volunteers to bring some literature to the meeting about this topic, instead of having the Ranger present. We can also put a caution about traps and poison use on social media, as use of those to control pests can have unfortunate and often unintended wildlife effects.

**Community (Annual) Meeting:** AL will bring snacks, drinks, and will bring some pens and pads. Also, a welcome letter to give to new sign ups.

Show of hands vote suggested for mandatory dues to get an idea about support, as well as for the consideration of the fence around the Century Link equipment at the playground.

We need a list of Community Meeting attending non-members as well as members, alphabetically.

### **Planned presentations at meeting:**

JB will present financial summary.

Larimer County Compliance: Alan Kee, from Larimer County. There are more compliance issues than Covenant violations, per TM.

GID 4 presentation TM.

Talk by the Estes Park Water Department, Jacqui Wesley.

Discussion about consideration of mandatory dues.

There will be a table with information about fire mitigation (possible presence of representative from the Fire District,) noxious weeds and wildlife issues, kindly organized by LR.

We will not be discussing short term rentals, as that is now a moot point.

BL suggested he send out an “email blast” to the Carriage Hills residents about the meeting, noting that this has resulted in more sign-ups for membership in the past. JM suggests that we remind people about the picnic and remind them that they can bring non-member neighbors.

### **Zoom Meeting with Aaron Goodlock (OCCHOA Law): (3.30 to 4 pm)**

General introduction. AG’s law firm specializes in working with HOAs and common interest communities. AG has been doing this for about 14 years. Carriage Hills (CH) has some unique aspects. Biggest challenge for CH has been trying to fund the POA with voluntary assessments, as he sees it. CCIOA has been discussed with TM. CCIOA laws are triggered by mandatory assessment payments. Referred to email of yesterday to TM, forwarded to the board. Before proceeding with details of changes that would occur, the community has to be approached about mandatory dues. Keeping CH as a limited expense community limits exposure to some somewhat arduous regulations set by the State.

Questions: **TM asked what the benefits of CCIOA for the POA are?** AG: the biggest benefit is being able to enforce covenants and payment of assessments. CCIOA gives the authority to charge late fees, place statutory liens on property for example. If you are a limited benefit community, you don’t have the benefit of the statutory lien and would have to have special language in the covenants to enable placement of a lien. CCIOA does allow associations to recover attorney fees, for example, in the event of a dispute with a property owner, but there are new limits on this. This latter benefit is therefore considerably limited now.

JM asked for clarification: the limited expense community does not provide the important benefits as above, without new Covenant language? That is correct, per AG.

**JM asked about quorum requirement for meetings** and AG replied that it's based on the association's Bylaws. There is a statutory requirement otherwise of 25%. We would have to have 50% plus 1 to enact amendments, one vote per lot or by proxy. You would also have to amend the Covenants for each filing.

**TM asked if we could revert to previous POA status if one of the filings does not agree with the others about mandatory assessments, so we don't have different rules for each filing.** AG replied that we could revert.

**BL asked whether we need to mail the vote form to each owner, or just one per property.** AG replied that we can mail, by first class mail, one voting form per property. Obligation is on the owner to provide the correct mailing address, otherwise mailing to the property is sufficient. TM explained that we mail based on property tax addresses. We could just use first class mail, not registered or certified, confirmed by attorney. Should also send mailing to property address IN ADDITION to property tax address, to be sure that we meet requirements to do our best to include all, unless someone has given you a specific address to use, of course. BL pointed out that there is return service with first class mail.

In this context, MW asked about what to do if more than one person listed on the deed of the property vote differently. AG replies that there is only one vote per household. SH asked about which ballot to accept if two are received; AG suggests throwing out the ballots or reaching out to the owners. It is also feasible, at the Board's discretion, to pick one of the votes.

BL asked about straw poll planned at the Community Meeting next week. Aaron confirmed that this is correct and helpful procedure to help assess whether to go ahead with the mandatory dues consideration. We will need to go house to house and "evangelize" about why the mandatory dues are important to the maintenance of the POA. AG says outreach is important in achieving the goals of the POA.

**JB: CHPOA covers areas outside of the 6 filings that can vote. If the 6 filings vote to have mandatory dues, how does that affect the other excluded filings?** AG replied that the Covenants are what dictate what the POA's obligations to the filing. The POA has no legal obligations to the other filings other than filings 1-5 and 8. Approval of the mandatory dues by the six filings does not mean there are any obligations to provide services to the other filings. It would be helpful to clarify the issue. BL says we would still offer membership to the other filings so they can still have slash pick up and so on. TM says we would represent the members of the other filings as we have been. We cannot enforce Covenants in the other filings and likewise, we need to realize we have no obligation to enforce a Covenant in the other filings. Nothing will change for the other filings.

After the end of the Zoom conversation with Aaron Goodluck, there was an informal poll of the Board members regarding their feelings about proceeding with mandatory dues.

7 strongly in favor, 2 undecided, one abstention by JB, who was concerned about a division in the neighborhood. TM says he supports people who pay and not those who don't. Feels

that mandatory dues will not change the support received the paid-up members in the filings not included in the vote.

Brief discussion about becoming “more procedural” with things like slash pick up and the fire department’s plans in this regard. As long as we have limited options for slash removal providers, things will probably remain the same, since the current provider declines to use a list to help only pick up the slash of paid-up members. As regards the Fire Department’s recent grant for fire mitigation, there is some more focus on Thunder Mountain and other areas with lots of junipers and steep slopes because of the high fire risk in such neighborhoods.

Meeting adjourned at 4.12 pm.

Submitted by Amanda Luchsinger, Secretary, July 3, 2024