

Comanche Creek Ranch Planned Unit Owners Association, Inc. (CCROA)
2019 Annual Meeting of the Owners Minutes
March 2, 2019 (Saturday) Scheduled for 10 am - 12 pm MDT
Russell Gates Mercantile Building - Elbert Colorado

Sign in/Proxy/Voting Verification Time: 9:15 a.m. to 9:45 a.m.

Meeting Start Time: 10:00 AM MDT.

Quorum: Eleven Tracts Were Represented by Owners and Six Tracts Were Represented by a Valid Proxy for a total of 17 Valid Voting Tracts. Thirteen valid tracts were required to constitute a quorum. Therefore a quorum of tracts was validated.

All owners present and/or the proxies they represented were in good standing and able to vote.

Directors: Three Board Members (Briscoe, Duffy, Pardue) attended so there was a quorum of Directors

Therefore the meeting could proceed.

Proof of Notice: Confirmed per the mailed notices sent to owners on 1/26/2019

Quorum: A quorum was present. 11 votes would be a majority - All owners present and/or the proxies they represented were in good standing and able to vote.

Attendees Present

<u>in Person :</u>	<u>TRACT</u>	<u>in Person :</u>	<u>TRACT</u>
Don Sinel	4	Kim Starley	16
Julia Sinel	4	Lenore Dreisbach	19
Tom Wendel	6	Jean Pardue	21
Jeff Briscoe	9	David LaRose	21
Robert Thomasson	10	Sharon Siddons	24
Gaye Thomasson	10	Steve Nicholas	25
Milt Johnson	11		
Jackie Johnson	11		
Terri Duffy	12		
Dennis Duffy	12		
Sally Giles	14		
Randy Ensign	15		

Attendees with Proxy **Proxy for Tract**

Robert Ostrander	17
Jean Pardue	3
Derrick Riley	24
Eddy Sanders	20
Donald Sinel	18
Mary Briscoe	9

OTHER ATTENDEES

Cyndi Riley

Beginning Announcement:

Jean Pardue began the meeting by going over some procedural items.

CONDUCT OF MEETING:

From the HOA's 2017 adopted CONDUCT OF MEETING POLICY, we would observe the following;

-The Board will record the meeting for purposes of making meeting notes. Attendees can take notes but may not do audio or video recording. The Board was asked why we don't use Robert's Rules. The HOA has never adopted Robert's Rules and their use is not mandated by Colorado Common Ownership Act (CCIOA). We have a Conduct of Meeting Policy as adopted in 2017 and is one of the 9 policies required by CCIOA. Our policy does not require Robert's Rules.

-All persons wishing to speak should raise their hand and be recognized by the Board

- All conversations shall be courteous

-All speakers should address the Board

OLD BUSINESS

The 2018 Annual Meeting minutes were in the meeting package. Members were asked if there were any changes needed. There were no comments. Kim Starley motioned to accept the minutes as is. Robert Thomasson seconded the motion. The members voted to accept the minutes and the motion to accept the 2018 annual meeting minutes passed.

President Report:

Jean Pardue

Jean delivered a talk detailing her thoughts on the role of the Board and members in making our HOA function in a positive way. She provided several statistics about how many HOA's there are in the U. S. The responsibility of anyone purchasing property in an HOA is to read the HOA documents before they purchase and to understand that once they sign their deed they are legally agreeing to abide by all HOA rules and regulations. She stressed that the Board and other committee members are volunteers donating service to their neighbors. If an owner receives a notice of possible violation they should act in accordance with policies and work out a resolution with the Board in a positive manner. The Board and committee members have a duty, by law, to uphold the covenants to the best of their ability. Their efforts help protect our property values and the aesthetic quality of our HOA. However, if members cannot get along and work with the Board and committee member neighbors, this HOA should consider hiring an outside management company to put a layer of separation between the Board and the tract owners. Ms. Pardue ended by stating that she appreciates all past and future owners that have stepped forward in donating their time to help our community.

Vice President Report: Dennis Duffy

Dennis pointed out, after Jean's presentation, that given we have only 25 tracts, 20 of which have homes on them, doing the math, every owner will need to be volunteering at least every 7 years for a three year position. He noted that several owners have spent more time than others in rotational volunteer positions. Dennis asked that all members step up and volunteer for the Board and committees.

Architectural Control Committee Items:

Jean presented the projects that were approved by the Architectural Control Committee in 2018:

Briscoe Barn and House Door Changes

LaRose Landscape Stairs

Wendel Culvert

Wendel Driveway

Wendel HVAC Equipment Location

Siddons House residing

Revised ACC Application Form and Instructions

Jean stated that based on feedback from several members, the ACC has created a revised ACC application form that was simplified from the last version adopted in August 2018. The current form adopted by this ACC is the 3rd iteration in the history of our community. Jean asked the ACC members, aka the board directors at this time, if they wanted to vote to approve the application and submittal forms. Dennis Duffy voted to approve and Jean voted to approve. Thus the new forms were approved by a majority of the ACC members. When questioned why the members do not vote on this it was discussed that a Board's authority to pass rules, regulations and other duties is called out in State laws and our covenants .

Secretary / Treasurer Report: Jeff Briscoe

Jeff provided the following forms and went through each one in detail.

1. 2018 Budget vs Actual

2. 2017 Previous year comparison to 2018 Actual

Legal fees were substantially down from 2018. Dennis Duffy mentioned that because Jean spent many hours researching the legal issues we were faced with in 2018 she saved the HOA thousands of dollars versus asking our attorney to fully address each issue. He suggested that the members recognize Jean for her efforts that saved the HOA thousands in legal fees.

2019 Proposed Budget

Jean explained that by CCIOA, the budget process is this

- The Board, in an earlier meeting, approves a budget for the coming year
- This budget is provided at the annual owner meeting. By law, the budget is approved unless 51% of the voting members VETO the budget. This is different than how we have done it in the past but it's in accordance with CCIOA. Again, the Board is questioned why we do things differently. Jean stated that the Board is obliged to comply with state laws...it is their duty.
- There was much discussion on the 2019 budget and 2018 expenditures. In 2018, expenditures fell under the budget by about \$8,000. The Board was asked what happens to that money and could it be used for 2019 expenses. Jean stated that the HOA needs to maintain reserves and we cannot operate without a fallback position.
- Several members discussed whether there should be an increase in dues. A straw vote was taken and there appeared to be interest by several owners to increase dues . Jean stated this could be considered in the 2020 budget and that perhaps later this year a meeting may be held to get more feedback from owners on their interest in increasing dues. It was asked that if dues were increased could the board assure members that the entire increase would be allocated to roads only.
Jean stated that most of the money would be allocated for roads but increases in operating costs, such as insurance, bookkeeping, etc., would also have to be budgeted .

A vote was taken to see how many members voted to VETO the proposed budget. There were no votes to veto, so by CCIOA, the proposed 2019 budget is accepted.

Road Committee: Robert Ostrander

Thanks was given to Randy Ensign for snow removal efforts along with many other neighbors. Cost of road material was discussed. Thanks was given to Jeff Briscoe with finding material which alleviated a great deal of cost to the community. Gay Thomasson brought up the deteriorating condition of the west entrance cattle guard and if it's necessary to keep any of the cattle guards. Putting in a culvert in place of the cattle guard in question is priority. Costs need to be determined. Mr. Sinel brought up the question of liability and payment for our road committee members. It's not in our interest to have employees, provide workman's comp. and 1099's. We are volunteers and liability is our own responsibility.

VOTE FOR NEW DIRECTOR POSITION

Jean stated that Dennis Duffy's board term had expired and we needed to nominate someone to fill the vacancy. She asked the members for nominations. She reminded the members that we all need to be willing to volunteer to keep the HOA in good standing. Sally Giles raised her hand. Mary Briscoe nominated Sally. Milt Johnson seconded her nomination. No one else volunteered to run. By acclamation, since there was one candidate for one opening, Sally was approved to fill Dennis Duffy's position.

Sharon Siddons and Jackie Johnson volunteered to be on the ACC. Jeff Briscoe stated he will no longer be on the ACC. The ACC will now consist of:

Dennis Duffy
Sharon Siddons
Jackie Johnson

New Business:

WEBSITE:

Jean told the members that Sally Giles has developed a new website for the HOA that will replace the one we were using for many years. The new website gives a fresh new look, the flexibility to add items that we haven't had before and to post updates in a timely fashion.

Easement Modification Proposal

The meeting package contained a proposal to modify a 60 foot roadway easement between tract 10 and 11.

This 60 feet is the property of tracts 10 and 11.

This issue came up because of a complaint from Eddy Sanders about a chain on a portion of the easement and wanting to riding his ATV on this area.

Jean stated that she had approached 2 attorneys to get a sense of the total cost to accomplish the modification. In her opinion, one of the attorneys seemed to be most knowledgeable and she stated that between attorney fees, surveyor fees and recording fees, the cost could be approximately \$3,500. She stated that we were not prepared at this meeting to actually vote since the resolution to modify should be legally prepared by an attorney. The HOA would have to approve at least this much money. Also, the HOA would need to determine how the entire fee for the modifications would be paid. Jean stated it would require one of three scenarios any of which needs 67% to pass:

- The HOA could vote to not proceed at all
- The HOA could vote to proceed and have all costs divided equally between tracts as a special assessment
- The HOA could vote that Tracts 10 and 11 would pay \$2,000 and any amount over that would be assessed as a special assessment to all tracts

Jean asked to allow the two affected tract owners to speak first as time was now limited. Robert Thomasson explained this issue has existed since the HOA was developed. Our roads are private. The property to our south will fail if they ever attempt to use that 60 foot easement and our roads. Elbert County will never convert our private roads to county roads. Milt Johnson then addressed the members. He stated the issue arose recently when Eddy Sanders drove his ATV over the 60 foot roadway easement. This land is part of Milt's tract. Milt strongly objects to Sander's use of an ATV which left ruts and damage on his tract. Milt stated there was no reason to use a vehicle on this 60 feet and he considers this action to be trespassing and a violation of our government. He stated there is room on the sides for foot traffic and equestrian use only. He said a previous board and members voted to approve having a chain across the easement end to discourage anyone attempting to use this as a road including neighbors on our south who had tried to do this in mid 2000.

Both Robert Thomasson and Milt Johnson suggested Jean Pardue be reimbursed for the hour of time billed by the attorney.

Both Robert Thomasson and Milt Johnson agreed to leave the easement unamended at this time, put a chain up and leave room for pedestrian and equestrian use to continue.

There being no further business, a motion was made by Kim Starley to adjourn the meeting. Robert Thomasson seconded the meeting to adjourn.

The meeting was adjourned at 12:20 PM.

Submitted by
Sally Giles
CCROA Secretary/VP