

**Minutes of Meeting of the Executive Board of  
Somerset Estates Homeowners Association (SEHOA)  
October 18, 2022  
Mountain View Fire Station, Niwot CO**

- 1. Call to Order and Quorum** - The meeting was called to order at 6:31 PM. Quorum met for Executive Board meeting with Scott Abrahamson (SA), Anthony Chirikos (AC), Pea Lawson (PL – attended via Zoom), Steve Lehan (SL), and Paula Hemenway (PH) present.

Property Manager present – None

ACC member present – Larry Becker (LB)

Homeowners present – Ron Budacz, Erik and Candace Hoenes, Melissa Koller, and Herb McPherson (via Zoom)

- 2. Approval of Prior Meeting Minutes** – MOTION to approve minutes from the Meeting of the Executive Board on September 20, 2022 made by SL, seconded by PH, no further discussion, approved unanimously.
- 3. Treasurer’s Report** – Report for September 2022 attached. AC reported that we are favorable to expenses, but that may change as invoices are paid. He expects that some capital projects will not be completed this year, which means carrying over the budgeted amount to 2023.
- 4. Governing Documents Update** – PH continued the review of our governing documents.

- CCIOA-Required Policies

- The proposed revised to the Conduct of Meeting Policy to comply with HB22-1137 was published in What’s Up for homeowner comments; none were received. MOTION to approve revised Conduct of Meeting Policy made by AC, seconded by SL, no further discussion, affirmative votes by SA, AC, PH, and SL, with PL abstaining. Approved revised policy is attached.
- As noted last month, HB22-1137 also requires changes to the Collection Policy and Enforcement and Fines Policy. PH expects to have proposed drafts in November. Discussion about whether to increase late fee and returned check fines (currently \$25 and \$20, respectively). No decision, but probably not.

- Discussion of Lot Easement Policy – Rock/Stone Walls and Ponds. Further discussion on second draft of possible revisions to the Lot Easement Policy, especially the paragraphs on Rock and Stone Walls and Ponds. Redline and clean versions of the draft will be posted on website with link in What’s Up and request for homeowner comment. Ron Budacz suggested that comments be posted anonymously for other homeowners to consider. Ron asked whether we were jeopardizing the impression of Somerset Estates along Somerset Dr by putting maintenance of stone walls in hands of homeowners. Melissa Koller asked about the number of such walls and whether the ACC can enforce maintenance standards. Herb McPherson asked why the fences along Somerset Dr were stained but the HOA is considering not maintaining the walls. Responses from SA included that the ACC can enforce maintenance standards for the eight such walls, and that the walls are on private property (lots) and it isn’t proper for association funds to be used to maintain something that isn’t owned by the HOA or in an easement. Although some of the walls are starting to need minor maintenance, the HOA has not historically maintained them. The fences are on the property line and have been historically maintained by the HOA as part of the road right-of-way along Somerset Dr and Longview Dr. This situation is specifically covered by Section 6.3.6 of the Declaration.

- Proposed change in Bylaws relating to Section 4.4 Terms and Term Limits. Continued discussion on Board proposal to eliminate term limits. Melissa Koller asked if we have a lot of people looking to be on the Board. Candace Hoenes asked if similar term limits apply to the ACC. Answer to both is no. Ron Budacz asked if we considered three-year terms. AC said we had, but the shorter term was part of the reason he was willing to run again for the Board and even without term limits, two-year terms encourage more turnover. Herb McPherson asked if there is a mechanism for preventing someone being a director for life. SA said that the mechanism is that all directors must be re-elected every two years.

MOTION to strike the sentence from the Bylaws “Unless a full board can’t be otherwise constituted, Directors shall serve for a maximum of two full (two year) terms, but may be elected again after being off the board for one year” made by SL, seconded by AC. SL pointed out that the language in the Bylaws addresses the startup situation of needing to stagger Board terms, which is no longer relevant. MOTION to amend the MOTION to simplify Section 4.4 to “Terms. The terms of Directors shall be for two years.” made by SL, seconded by AC. No further discussion on amendment to MOTION, affirmative votes by SA, AC, PL, and SL, with PH abstaining. No further discussion on amended MOTION, affirmative votes by SA, AC, PL, and SL, with PH abstaining. PH to execute and post amended Bylaws.

5. **Quiet Title Update** – Attorney Scott Osgood is ready to file motion for a decree. All notices are completed and the time to answer is over.
6. **ACC Update** – Requests for information were sent to homeowners that had indicated an interest in serving on the ACC. LB and Bob Uhler both offered to continue. Erik Hoenes also volunteered and provided information about his background. He and Candice recently moved into their newly built home on Strawberry Ln after purchasing the lot over two years ago. His experience with the construction project, as well as his profession as a mechanical engineer, have given him insight into ACC matters. MOTION to appoint Larry Becker, Erik Hoenes, and Bob Uhler to two-year terms on the ACC made by PH, seconded by AC, no further discussion, approved unanimously. The Board expressed its appreciation to these homeowners for volunteering for this important role. LB reported that the ACC is continuing to work on changes to the Architectural and Landscaping Standards to propose to the Board.
7. **Water Updates** – PH provided information on 2022 water use, as attached. SA reported on the project to reline pond 1 in Somerset. SHOA is taking the lead on this project and looking at various material and contractor options. We have met with SHOA and possible contractors several times. They hope to complete the project by April 2023 in time for next year’s ditch water season. Ron Budacz recommended that we put SHOA in contact with Bob Uhler based on his expertise with pond 8. SA noted that SHOA has been given all the documentation about pond 8 and knows that Bob is a possible resource, but will remind them of such.
8. **Other Business** –
  - Al Orendorff has requested approval of a maintenance contract for 2023 and 2024 with Rock Solid (RSL Outdoor). The cost is about 18% higher than what was set two years ago, but will not increase until 2025. SA to ask Al to obtain a competitive bid.
  - SA reported that there has been no update on the Niwot Loop Trail easement discussion with Boulder County.
9. **Member Open Forum** – Ron Budacz asked about progress on the roads. SL reported that a bond measure to fund them didn’t make it onto the ballot. He obtained a preliminary cost estimate from the County transportation engineer should Somerset Estates form a private improvement district. We may have the option to contract on our own (by a vote of the homeowners, not through SEHOA), but so far

Steve has not been able to get any repaving companies interested in providing a cost estimate due to the shortage of asphalt. He will write an update for What's Up.

**11. Next meeting** – Executive Board meeting on Tuesday, November 15, 2022 at 6:30 PM at the Mountain View Fire Station.

**12. Adjourn** - The meeting adjourned at 8:33 PM.

**Executive Session** called to order at 8:38 PM as allowed by CCIOA 38-33.3-308 to discuss advice from Counsel regarding communications from a homeowner's attorney. Adjourned at 9:08 PM.



Paula Hemenway, Secretary  
October 20, 2022

**Operating and Reserve Fund(s)  
Balance Sheet and Summary Income Statement  
September 2022**

<b>BALANCE SHEET</b>						
As Of September 30, 2022						
	Operating Fund	Reserve Fund	Total			
<b>ASSETS</b>						
<b>Operating/Checking Account</b>						
FirstBank	\$46,879	\$0	\$46,879			
<b>Investment/Reserve Account</b>						
Capital One	\$0	\$400,958	\$400,958			
<b>TOTAL ASSETS</b>	<b>\$46,879</b>	<b>\$400,958</b>	<b>\$447,837</b>			
<b>LIABILITIES &amp; FUND BALANCE</b>						
Fund Balance	\$46,879	\$400,958	\$447,837			
<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<b>\$46,879</b>	<b>\$400,958</b>	<b>\$447,837</b>			
<b>Statement of Revenues, Expenses, and Changes in Reserve Balance</b>						
	Month of September, 2022			YTD September, 2022		
	Operating Fund	Reserve Fund	Total	Operating Fund	Reserve Fund	Total
<b>REVENUES</b>						
HOA Dues	\$25	\$0	\$25	\$185,950	\$0	\$185,950
HOA Violations & Fines / Late Fees	\$0	\$0	\$0	\$6,608	\$0	\$6,608
Special Assessment	\$0	\$0	\$0	\$0	\$2,500	\$2,500
Transfer Fees	\$0	\$0	\$0	\$750	\$0	\$750
Pond 7 Surcharges	\$0	\$0	\$0	\$1,000	\$0	\$1,000
Interest Income	\$0	\$444	\$444	\$0	\$2,367	\$2,367
<b>TOTAL REVENUES</b>	<b>\$25</b>	<b>\$444</b>	<b>\$469</b>	<b>\$194,308</b>	<b>\$4,867</b>	<b>\$199,175</b>
<b>EXPENSES</b>						
Administrative	\$1,626	\$0	\$1,626	\$29,301	\$0	\$29,301
Landscape Repair & Maintenance & Enhancement	\$17,261	\$0	\$17,261	\$62,928	\$0	\$62,928
Lights & Fence & Path & Pond Maintenance & Repair	\$1,668	\$0	\$1,668	\$15,072	\$0	\$15,072
Water & Utilities	\$4,809	\$0	\$4,809	\$10,410	\$0	\$10,410
Lighting Upgrades	\$0	\$0	\$0	\$0	\$0	\$0
Water System Infrastructure	\$0	\$0	\$0	\$0	\$0	\$0
Water Features (Ponds & Waterfall)	\$0	\$0	\$0	\$0	\$12,642	\$12,642
Water System Profession Fees (Project Mgmt. & Ops Manual)	\$0	\$0	\$0	\$0	\$0	\$0
Irrigation System	\$0	\$0	\$0	\$0	\$43,162	\$43,162
Hardscape (Fence & Paths & Monuments)	\$0	\$1,627	\$1,627	\$0	\$50,763	\$50,763
Softscape (Master Landscape Plan)	\$0	\$0	\$0	\$0	\$0	\$0
<b>TOTAL EXPENSES</b>	<b>\$25,364</b>	<b>\$1,627</b>	<b>\$26,991</b>	<b>\$117,711</b>	<b>\$106,567</b>	<b>\$224,278</b>
<b>EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES</b>	<b>(\$25,339)</b>	<b>(\$1,183)</b>	<b>(\$26,522)</b>	<b>\$76,597</b>	<b>(\$101,699)</b>	<b>(\$25,102)</b>
<b>TRANSFER BETWEEN OPERATING FUND and RESERVE FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,000</b>	<b>(\$15,000)</b>	<b>\$0</b>

**Somerset Estates Homeowners Association - Treasurer's Report**

Total Funds					
Income Statement					
September 2022					
	Month	Year-to-Date			Budget 2022
	Actual	Actual	Budget	Better/ (Worse)	
<b>REVENUE and EXPENSE SUMMARY</b>					
<b>REVENUE</b>					
HOA Dues	\$25	\$185,950	\$184,675	\$1,275	\$246,975
HOA Violations, Fines and Late Fees	\$0	\$6,608	\$0	\$6,608	\$0
Transfer Fees	\$0	\$750	\$0	\$750	\$0
Pond 7 Surcharges	\$0	\$1,000	\$1,000	\$0	\$1,000
Special Assessment	\$0	\$2,500	\$2,500	\$0	\$2,500
Interest Income	\$444	\$2,367	\$1,700	\$667	\$2,070
<b>TOTAL REVENUES</b>	<b>\$469</b>	<b>\$199,175</b>	<b>\$189,875</b>	<b>\$9,300</b>	<b>\$252,545</b>
<b>PENSES</b>					
Administrative	\$1,626	\$29,301	\$33,050	\$3,749	\$40,420
Capital Expenses	\$1,627	\$106,567	\$193,500	\$86,933	\$198,500
Landscape Repair & Maintenance & Enhancement	\$17,261	\$62,928	\$57,660	(\$5,268)	\$73,440
Lights & Fence & Path & Pond Maintenance	\$1,668	\$15,072	\$21,705	\$6,633	\$21,540
Water & Utilities	\$4,809	\$10,410	\$14,100	\$3,690	\$22,500
<b>TOTAL EXPENSES</b>	<b>\$26,991</b>	<b>\$224,278</b>	<b>\$320,015</b>	<b>\$95,738</b>	<b>\$356,400</b>
<b>EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES</b>	<b>(\$26,522)</b>	<b>(\$25,102)</b>	<b>(\$130,140)</b>	<b>\$105,038</b>	<b>(\$103,855)</b>
<b>Outstanding Dues and Fines</b>					
	<u>0 - 30 Days</u>	<u>30 - 60 Days</u>	<u>60 - 90 Days</u>	<u>Over 90 Days</u>	<u>Total</u>
Dollars	\$5	\$5	\$50	\$1,400	\$1,459
# of Homes	2	2	2	2	2

**SOMERSET ESTATES HOMEOWNERS ASSOCIATION, INC.**  
**CONDUCT OF MEETINGS POLICY**

First Adopted 2/27/2019 – Rev 1 Adopted October 18, 2022

The following policy has been adopted by Somerset Estates Homeowners Association, Inc. ("Association") pursuant to the Colorado Common Interest Ownership Act ("Act"), including C.R.S. 38-33.3-209.5 and 38-33.3-308, as amended, at a regular meeting of the Executive Board ("Board").

Purpose: To establish a uniform and systematic protocol for conducting meetings of the Association, including Members' meetings and Board meetings; to ensure equitable participation by Members while permitting the Board to conduct the business of the Association; and to specify the circumstances under which the Board or a committee thereof may convene into executive session. The general intention of the Board is for Members' and Board meetings to be conducted such that Members are heard and encouraged to participate in a reasonable manner.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy governing the conduct of meetings of the Members and meetings of the Board:

1. Members' Meetings. All meetings of the Association are open to every Member, or to any person designated by a Member in writing as the Member's representative, and Members or designated representatives so desiring shall be permitted to attend, listen, and speak at the appropriate time during the deliberations and proceedings. The Order of Business at meetings of the Members shall be as set forth in the Notice of Meeting.

2. Board Meetings. All regular and special meetings of the Board, or any committee thereof, shall be open to attendance by all Members or to any person designated by a Member in writing. At regular and special meetings of the Board, except as stated below, Members who are not Board members may not participate in any deliberation or discussion unless expressly so authorized by a vote of the majority of a quorum of the Board or as otherwise allowed by the chairperson.

3. Members' Right to Speak at Board Meetings. At Board meetings, at an appropriate time, to be determined by the Board, the Board shall permit Members or their designated representatives to speak before the Board takes formal action on an issue under discussion. However, the Board may place reasonable time restrictions on those persons speaking during any meeting. If more than one person desires to address an issue and there are opposing views, the Board shall provide for a reasonable number of persons to speak on each side of the issue(s).

4. Agenda: Open Forum. The President of the Board, and in his/her absence, the Vice President, shall be the chairperson of all meetings. The agenda for all meetings shall be in accordance with the order of business determined by the Board. The agenda for Members' meetings shall be determined and noticed in the manner set forth in CRS section 38-33.3-308, unless the Declaration provides for different notice requirements. The agenda shall include a Member Open Forum during which any Member or Member's designated representative who wishes to speak will have the opportunity to do so, subject to the remaining provisions of this policy. The agenda for Board meetings shall include a Member Open Forum, subject however, to the Board's right to dispense with or limit the Member Open Forum at the discretion of the Board, except that such limits on the Member Open Forum shall always be subject to the provisions of paragraphs 2 and 3 of this policy.

5. Limits on Right to Speak. The Board shall have the right to determine the length of time of the Open Forum and the discussion period prior to the Board taking formal action on an issue under discussion. The chairperson of the meeting may place reasonable limitations upon the time given to each Member seeking to comment, to allow sufficient time for as many Members as possible to comment within the time permitted. Unless otherwise determined by the chairperson, the time limit will be three minutes per Member. The chairperson shall, to the best of his/her ability, allocate time to each Member for comment so as to allow as many Members as possible to speak within the time permitted. Each Member will only be allowed to

speak more than once at the discretion of the Board. No Member may speak a second time until all Members wishing to speak have had an opportunity to speak once.

6. Sign-Up Sheets. A sign-up sheet will be made available to Members immediately prior to the meeting. Any Member wishing to comment at the ensuing meeting may add his/her name to the sign-up sheet. Subject to the remaining provisions of this policy, Members will be recognized for comment at the meeting in the same order as their names appear on the sign-up sheet. All Members wishing to comment who have not placed their names on the sign-up sheet will nonetheless be permitted to speak, time permitting.

7. Attorney/Client Privileged Communication. Upon the final resolution of any matter for which the Board received legal advice or that concerned pending or contemplated litigation, the Board may elect to preserve the attorney-client privilege in any appropriate manner, or it may elect to disclose such information, as it deems appropriate, about such matter in an open meeting.

8. Recording of Meetings. Meetings may be recorded by the Board at its discretion, as long as it is announced as such. Note taking is permitted; however, video or audio recording of all or any portion of any meeting by Members is prohibited, unless expressly authorized by the Board in advance.

9. Member Conduct. No Member is entitled to speak until recognized by the chairperson. There shall be no interruption of anyone who has been recognized by the chairperson except by the chairperson. Specific time limits set for speakers shall be observed, unless modified at the discretion of the chairperson. Personal attacks, whether physical or verbal, and offensive language will not be tolerated. All comments are to be directed to the chairperson and not to other individual participants. All comments are to be restricted to the agenda item being discussed. Courteous behavior is expected.

10. Curtailed of Member Conduct. Should the chairperson determine that any Member has spoken for the allocated amount of time or longer, or determine that the Member is in violation of the provisions of this policy, the chairperson shall have the authority to instruct that Member to yield the floor, and that Member will be obligated to comply with the chairperson's instruction.

11. Disruptive or Unruly Behavior. If a Member refuses to stop talking after his/her allotted time has ended, or otherwise disrupts the meeting, or is otherwise in violation of the provisions of this policy, the following procedure will be followed:

- (a) The chairperson will issue an oral warning that if the Member continues to speak, disrupt the meeting, or otherwise act in violation of the provisions of this policy, either the meeting will be adjourned or law enforcement/security will be called to remove the individual.
- (b) If the Member continues to speak, disrupt the meeting, or otherwise act in violation of the provisions of this policy, the chairperson will call a recess and speak directly to the Member, reiterating that either the meeting will be adjourned or law enforcement/security will be called to remove the individual.
- (c) If the Member still refuses to cooperate, the chairperson may choose whether to adjourn the meeting to another time or to call law enforcement/security.

12. Executive Session. Notwithstanding the foregoing, the Board or a committee thereof may hold an executive or closed door session and may restrict attendance to Board members and other persons specified by the Board or committee; provided that any such executive or closed door session may only be held in accordance with the provisions and requirements of the Act. The matters to be discussed at such an executive session are limited to:

- (a) Matters pertaining to employees of the Association or the managing agent's contract or involving the employment, promotion, discipline, or dismissal of an officer, agent, or employee of the Association;
- (b) Consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings or matters that are privileged or confidential between attorney and client;
- (c) Investigative proceedings concerning possible or actual criminal misconduct;
- (d) Matters subject to specific constitutional, statutory, or judicially imposed requirements protecting

- particular proceedings or matters from public disclosure;
- (e) Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy, including a disciplinary hearing regarding an Owner and any referral of delinquency; except that an Owner who is the subject of a disciplinary hearing or a referral of delinquency may request and receive the results of any vote taken at the relevant meeting;
  - (f) Review of or discussion relating to any written or oral communication from legal counsel.

Prior to the time the Board members convene in executive session, the chairperson shall announce the general matter of discussion as enumerated in paragraphs (a) to (f) above. No rule or regulation of the Board shall be adopted during an executive session. A rule or regulation may be validly adopted only during a regular or special meeting or after the Board goes back into regular session following an executive session.

The minutes of all meetings at which an executive session was held shall indicate that an executive session was held and the general subject matter of the executive session. Minutes of executive session may be kept but are not subject to disclosure pursuant to the Association's policy regarding inspection of records.

13. Miscellaneous. Failure by the Association to enforce any provision of this policy shall in no event be deemed to be a waiver of the right to do so thereafter.

14. Severability. If a provision of this policy is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provisions of this policy.

Somerset Estates Homeowners Association, Inc.

By: \_\_\_\_\_  
Scott Abrahamson, President

This Conduct of Meetings Policy was amended by the Executive Board on the 18<sup>th</sup> day of October, 2022, effective immediately, and is attested to by the Secretary of the Somerset Estates Homeowners Association, Inc.

By: \_\_\_\_\_  
Paula Hemenway, Secretary



## 2022 Water Use Update

### DEMAND

Water Use - AF	SEHOA	SHOA	Total
Per meters - out of pond 1	34.8	9.5	44.3
Fill pond 1 (estimate)	0.5	0.5	1
Pond 1 evaporation (est per Lamp-Rynearson)	0.3	0.3	0.6
<b>Total</b>	<b>35.6</b>	<b>10.3</b>	<b>45.9</b>
	78%	22%	

### SUPPLY

Source - AF	SEHOA	SHOA	Total
River Run from BLH – May 21 to July 16	16.7	1.6	18.3
BWR from storage @0.75 yield	5.6	3.0	8.6
C-BT from storage @0.7 yield	3.5	4.2	7.7
BLH from storage	0	0	0
BWR leased – 10 shares from Waterstone	7.5	0	7.5
C-BT leased – 10 shares from BWR	7.0	0	7.0
<b>Total</b>	<b>40.3</b>	<b>8.8</b>	<b>49.1</b>

“Missing” 3.2 AF most likely due to variations in water drawn from ditch, plus any pond 1 leaks, but this is a far closer match between demand and supply than in prior years where we had to lease 50 shares for essentially same water use because we were not getting full volume of water owned or leased.

Water Use - AF	SEHOA	SHOA	Total
2022	35.6	10.3	45.9
2008 to 2019 average, per old meters	37	11	48
Lamp-Rynearson calculation, v1	37.7	27.5	65.2
Lamp-Rynearson calculation, v2	35.7	15.5	51.2

- We need a small cost settlement with SHOA because it paid SEHOA’s BLH ditch fees, and SEHOA paid for all the leased water, but some used by SHOA. Nets out to <\$300.
- New meters out of the ditches greatly increased the water we were allowed to take per share.
- BLH river run saved us as BWR wasn’t allowing any this year. BLH went to July 16 and was over 18 AF.
- We have very good idea of SEHOA water needs – consistently about 36-37 AF.
- Fixing leaks makes a big difference and we need to keep on top of identifying new leaks.
- SHOA is in pretty good shape with water owned, probably due to wet and shady conditions. This helps SEHOA as we’re not competing for the same leased water.
- BWR A/B/C share yield is less than L-R calculated – appears to be only the A portion. Hard to get written confirmation. SEHOA’s 6 B/C only shares can’t be used so we should consider selling.