

Pawnee Hills Community Association  
Board of Directors Meeting  
July 9, 2008

Board Members Present: Tina O'Bryan, Pam Schultz, April Osborn, and Greg Brendlinger were present. Sandy Perry was present as Treasurer

Meeting was called to order at 7:32 p.m. Motion was made and passed to approve the agenda.

MINUTES:

Facility Coordinator Report

Tina: The facility coordinator is out of town. April, I need to ask you, did this floor get sealed?

April: Yes. I got all of the tile throughout the facility sealed.

Tina: Thank you. Have you gotten any of the insurance paperwork from John from Decks by Dora?

April: No, he never called me back. And I got the impression maybe I shouldn't be involved in that since Cynthia was wanting to be in charge of that, so—

Tina: No, she handed it to you because he wasn't calling her back.

April: Right, well he hasn't called me back either so I don't know what else to do.

Tina: Okay. I suggest that we not use John from Decks by Dora in the future because there was an insurance lapse during the time that he was doing construction for Certificate of Insurance so I would not recommend him.

Pam: And he won't return calls. That's the biggest part—

Greg: No kidding. No, that's not good.

Tina: Well, it is because he can't produce the documents that we need.

Greg: For the insurance.

Tina: The insurance lapsed while he was working for us and he states that he has the missing paperwork proving that he had the insurance coverage, but we cannot get the information from him.

April: Well, and I am sorry all of that happened.

Tina: Live and learn. He did a great job but I cannot have him back on the property again because of that liability and we can't recommend him to do any additional work. We had a plan B with Dave so anything that comes up that we need to have worked on, maybe we need to throw it to Dave.

Tina: What are we doing with the siding?

Greg: Dave talked to Cynthia and he passed that on to a guy that he knows. That is all he specializes in and then from there I don't know where it went. I think him and Cynthia talked.

Tina: Okay, we've got to get that siding back up before winter. I don't want to do mold again so that siding has got to go up.

April: Did you get a new punch list?

Tina: Yes and I didn't make you guys a copy of it. It is right there. I will make a copy for everybody. The plumbing project downstairs, remember you guys said you wanted to move that faucet downstairs on the outside of the building?

Greg: Oh, that's right. Yeah.

Tina: That's another one we've got to get.

Greg: Because it was draining down into the building.

Tina: Um-hmm. Draining back into the building. We don't want that. Anyway, we are going to have to look at the stuff that we have to get done before winter and determine what moneys we have to put toward that so we are working real closely with Sandy to see where we are at.

Communications from Homeowners:

Tina: We received a letter from Bob Rowland on June 17<sup>th</sup>. "Members of the Board, I am happy that the Board seems to have resolved the serious and dangerous conditions found in the clubhouse and that you have apparently remediated the environmental hazard of mold. However, as a homeowner involved in the liability of the HOA, I am concerned that, while the clubhouse and pool have been reopened to members and visitors, that the Board has separately and apparently taken this action without having first done a follow-up inspection and certification that the conditions that forced the initial closure have, in fact, been remedied. To simply have the contractors finish their work and to not have the environmental contractor who discovered the mold and who issued the detailed report from January 2007 complete a final inspection and report is irresponsible and may have legal implications if not completed. It is customary and probably legally required that a final inspection and report be completed to ensure that the areas are safe for open public access. Therefore, as a homeowner and to ensure that our liability is minimized, I request that the Board complete this final step as soon as possible. If the Board has completed this important step, I would request a copy of the final report or that you make this information available to homeowners. Sincerely, Robert P. Rowland." He cc'd Elbert County Public Health, Colorado Department of Public Health and Environment.

Tina: We do have the report from Ron Meadows who did the initial mold testing and after the mold remediation completed a clearance test. The problem that we are having right now is that he had recommended—it is not required, but he recommended that we have a post-clearance test done after the rebuild was completed. Since it was just a recommendation, but it was not a requirement. So what we have done is we have gone back to Ron and asked him, can you just say that the building is clear, that you have done all the testing. We do have all the lab work and the testing results showing the building is clear.

Pam: Why can't we just post the clean bill of health?

Tina: Because it says here, "Post-clearance test is recommended to be sure all remediation work was done correctly after all items are replaced and any containment barriers are taken down." What that

basically states is what Bob is stating in his report which says we needed to do one more test and pay for him to come in after all of this work was done and have it tested again. Well, that is very expensive. And Ron was like, "Oh, I didn't mean to put it that way. I meant to say it is a recommendation but it is not a requirement." So he is writing us a letter saying that at this time when he did the clearance that at the time that he did this mold clearance, before we did the rebuild that the building was clean and clear.

Pam: Okay.

Tina: I spoke with Gary Hartzell at the Health Department and he also would like to just see that statement from Ron so we can close the case.

Pam: Again.

Tina: Again. So, Cynthia is working on talking to Ron and getting that letter. As soon as I get that letter, I will then send it over to Gary.

April: And you have to take point, Bob actually had those clearance papers in his hand when Tina and I met with him in February regarding the January vote results. He had those papers in his hand.

Tina: And didn't read them.

April: And didn't read them.

Cynthia: Somebody has really been vandalizing and it is somewhere between 6:00 and 9:00 usually but we did have an after-hours one. Greg came over and fixed the gate for me. They tore off the hinges on the gate. He fixed that for me while I was on vacation. And they sliced the garden hoses. You know, this has come up before about having some sort of surveillance camera. Right before I left we had two days in a row pooping in the pool. And I told Rachel if it happened again, because the day I was leaving, I said I am going to open. The morning I was leaving I was going to open and we were trying to get out of here at 5:00 in the morning. So I said if they did it again—I closed that night and it was fine and I opened that morning and it was fine. If they do it a third day in a row, we are closing it. Usually that's what stops it but then it ruins it for everyone. It has been happening since we kicked those kids out. I'm not saying it is them. I am just saying it started the day after we kicked them out. But prior to that, we had a vacuum broken. We had the skimmer net ripped. They just tied knots in the life ring rope. Just little stuff. I try to keep a spare of everything here so that we are not shut down when something happens. So I try to keep a spare of everything. But I don't have a spare vacuum right now. I have enough parts where I might be able to put another one together but I have Rachel putting it in at night. We are putting it inside. They ruined two poles and those are just the poles that slide in and out. We can adjust the length to them. Once you bend them, they don't slide together again.

Tina: Alright, do we need to have Rachel here more?

Cynthia: I don't think so. She would have to be here 24/7. They are coming—I have her staggering her shift. She works four hours every day during the day and she staggers her hours. And we both know about when they come so we are trying to catch them. She has worked as late as 7:30. They know if someone is here, whoever it is.

Cynthia: The gentleman that is doing the plumbing also does some other work with contractors that do other things. They are going to give us an estimate for the retaining wall.

Susan: I, as a parent, feel like the pool rules actually need to be addressed to where your teenager can have a guest because they don't want to come if they are by themselves.

Pam: I agree.

Susan: I mean, it should be changed so that they are allowed to have a certain number of guests.

Pam: Like what? At age 16?

Susan: Uh, you know, I would say age 16 because that is when they can drive. You know, that is typically when they can get their license.

Tina: So you are saying at age 16 they would be able to have—

Susan: I would say two guests because, you know, kids—

Pam: I agree with you. I have always thought that was a little bit too strict.

Susan: It is like, you know, they can't have anybody until—and when they are 18—

Tina: You know, we were talking about redoing the pool rules anyway so I would say that let's look into that for changing in 2009.

Pam: No, we can change it now and they just aren't changed on the board. You can put it in the newsletter.

Tina: I know but I'll tell you right now with the vandalism and everything, I am just nervous.

Susan: But then you have legitimate kids that are here.

Tina: But do I? I mean, right now I know that I've got—

Pam: The vandals are coming whether they are allowed to or not. Changing the rules to allow the good kids to have guests isn't going to make more vandalism. They are doing it anyway. Think about that.

Susan: Because you are going to say, "Look, let me see your key. Who is here with you? Okay, you've got two people here. Okay, you are good." Because the vandals are going to come in anyway.

Pam: I do. I think it's right. I think the kids should be able to enjoy the amenities.

Susan: You can go take Shelby and if you need me call me. It teaches our good kids to go around the rules and not to work within the rules. So what good is the pool to her if she can't bring a friend?

Tina: She can be here by herself?

Susan: What fun is being here by herself.

Tina: No. I'm just saying, can she be here by herself at 16?

Susan: I think at 14. I honestly think that at 14 you can be here by yourself.

Susan: 16 is when they can drive, okay? So that's why.

April: Anyone under the age of 13 may not swim without adult supervision and an adult is someone over the age of 18. Any resident over the age of 18 is allowed to have a maximum of two guests at a time. However, homeowners may have unlimited guests.

Tina: So we just change that part to 16.

Susan: From 13 to 18 there is nothing there.

April: I think the driver's license age would be appropriate.

Tina: And then max of two guests.

Susan: I would even say 15 because at 15 they are a freshman in high school. They are high school kids at 15.

Tina: Nah, —the only concern I have is the insurance situation. I mean, if I call Dave, our insurance guy, and he says to me, "You've got 16-year-olds with guests unattended and someone gets hurt—." You see what I'm saying? Eighteen is a whole different ballgame. I am just looking at it from a liability standpoint.

Sandy: Eighteen is considered an adult.

Tina: Yeah. So before I jump to the 16 thing, I think I'd prefer calling Dave and say, "What is our liability—"

Susan: The parents would be liable—

Tina: That's different. If I am allowing a 16-year-old to come over with two friends, okay?

Susan: The parents are liable for them.

Tina: Well, this is the trick. The current rules are they have to be 18 in order to have two guests. At 16, insurance-wise, I am not sure we are going to be covered the same. I mean, if there is a huge liability in that between 16 and 18—

Pam: I don't think so.

Susan: I think you are fishing around for something that is not there.

Tina: You know what?

Greg: Check it out.

Tina: Before I let 16-year-olds come in here, I want to talk to Dave. You know, and say, "Dave, what if we decided to do this, what would happen insurance-wise?" And trust me; I think 16-year-olds can be over here with two guests. I don't have a problem with that. I would prefer that a homeowner's child has the key in their hand and is responsible knowing that if they do something wrong Mom or Dad is going to get called and they are going to lose their key and, you know—

Pam: Let's make a motion that can go in the newsletter. When does it go out?

Susan: Well, I'm going to have it ready to go before I fly out of here.

Pam: Which is?

Susan: I leave the 22<sup>nd</sup>. It will be ready before that.

Pam: So we can do a motion tonight and vote on it dependent upon what he says.

Tina: Oh no. I need more thinking than that.

Pam: Why? It still gives him a month.

Tina: Because I still have to call Dave and I still have to—

Pam: I'll call Dave. We have until the 22<sup>nd</sup> to call.

Tina: I'm looking at the liability issue, guys, and until I am clear that we are good on liability—

Pam: It gives you two weeks to call him.

Tina: If I get a good enough answer. I am just afraid of opening up that can of worms.

Pam: But it is not just your decision.

Tina: If you want to make a motion that we allow 16-year-olds to come in with the maximum of two guests and if our insurance guy says it is okey dokey, then we still need to talk this over as a board—

Pam: I'd second that. Whatever she just said, I second that.

Tina: Discussion? My discussion is I'm not comfortable that 16 is old enough. They are not adults. I can't prosecute a 16-year-old but I can prosecute an 18-year-old.

Pam: Unfortunately, you have already—

Tina: Right now I am just not comfortable with it because I've got a lot of vandalism going on that we can't even control and opening the community to say 16-year-olds can now come with two guests, I don't have anyone to police the area.

Cynthia: Historically, the problems we have are between 12 and 16 or 17. Once they are 18 and they can be prosecuted, we don't have the maturity in a group to conduct themselves the way—

Tina: You may have a responsible 16-year-old and you are an involved parent. You know where your kid is at. You know, would I let Brooke in here? Yeah, I would let Brooke in here. But, you know, I don't always have that responsible parent available. I mean, I'll give you an example of what happened with the Wade's daughter. Look what happened with that.

Susan: I understand where you are coming from. You're right, I'm an involved parent and I know the kid—I also know that the kids that you are having issues with are 18 and older. So it is where your age thing is—

Cynthia: Not historically. Not historically.

Susan: I'm talking about your current situation—

Tina: I don't know what I've got. I mean, I can't blame those kids that were there that day because I don't know if it was them.

Susan: But your kids at 18, they are not living here anymore. They have moved on.

Pam: But they don't get to use the facilities, really, I mean.

Susan: They can't use the facilities unless it has Mom or Dad sitting with them and, you know, that's just not cool.

Cynthia: Not even doing this as a homeowner? I guess it really doesn't matter.

Tina: Let me call Dave. Let me check with him and see and see what the liability issue—

Pam: Well the problem is, by the time we meet again the summer is over.

Susan: And it doesn't matter at this point—

Pam: So it should be able to be found out in enough time to go in the newsletter and I can do that if you want me to—

Tina: Well, okay. If you guys want to vote on it, I say no. That's my vote.

Pam: I'd say yes.

April: I need more information and the insurance—

Pam: No, I mean dependent upon the insurance I say yes the way she made the motion.

Greg: I don't know. I don't think 16 is old enough.

Tina: Well Cynthia and I are the ones that are here at 11, 12, 1:00 in the morning dealing with trespassers and vandalism and the police. So that is why I am reluctant to open that can of worms up. That is all that I am saying.

Cynthia: I'm the one who has sat here and got called in the middle of the night and sat and waited for these parents to come and they were not—

Pam: Do you guys really believe that if we allow 16-year-olds to bring two guests that that is going to make more of them come at midnight?

Tina: Yes.

Pam: Why?

Tina: Are you kidding?

Pam: It is still against the rules.

Cynthia: Let me tell you why parents have sat here and told me. "My kids are well behaved. They would not do that. They are better swimmers than you are. What are we supposed to do with our kids during the summer?" I come down here and the bathroom drawers are pulled out and used as pool toys. They were terrorizing all the equipment out here. But those parents sat right there and said, "My kids will not do that."

Pam: So then their keys are taken and they are banned from the pool. Simple. I don't think you can penalize all the kids because you have a few that break in at midnight and do bad stuff. I don't think that's fair.

Tina: There is a difference between 16 and 18. If I didn't have to call the police in the middle of the night and if I didn't have the vandalism reports and if I didn't have all of the problems to deal with regarding trespassing then it wouldn't bother me to have 16 year olds here.

Cynthia: This stuff is happening during pool open hours also. We had one after hours this year. The rest of it has happened during pool open hours.

Tina: And I have homeowners that will not stop a kid from doing something and say, "Excuse me, you are not supposed to do..." I mean, I have homeowners that will stand there and watch somebody do this and it is like, they are an adult. And I'm thinking, hello. Ask people if they have their keys. Ask them who they are. Ask them.

Sandy: It is not my responsibility to be the police.

Tina: It is, because it belongs to you.

Cynthia: And it is the responsibility of everyone in the community.

Tina: This all belongs to you. You are paying for it.

Susan: What I'm saying is, how much fun is it for Brooke to come to the pool by herself? It's not fun. She is an only child.

Tina: And I understand.

Cynthia: My kids refused to come down here because of those kids that would do those things. They did not want to get roped in by association. They said, "Mom, I just rather you'd be here. I would just be more comfortable if you were here." Because they saw it happen and they heard it at school and, you know, I disagree. I just don't think they have the maturity level to do that. Maybe Brooke does but do her friends? I don't know.

Tina: And can 16-year-olds control other 16 year olds?

Cynthia: And would she be liable if they aren't acting mature enough, legally liable?

Tina: I couldn't even get the adults that were here to pull the rug out from underneath the back door to keep it locked. I kept having to go over and pull the rug out and close the door.

Susan: The adults do that.

Tina: I know but that's my problem I have to have some sort of accountability and I will go back to the being able to prosecute an adult. I would like to talk to Dave. I would like to have more information.

Cynthia: There were a lot of these kids who shouldn't be here were let in by a homeowner this year.

Pam: I would like to make a motion that we allow 16-year-olds to attend with two guests dependent upon what we find out from our insurance agents.

Tina: That's the motion.

Pam: That's the motion on the table.

Tina: And I say no.

Pam: We have had a discussion so—

Tina: I say no. April wants to wait until she gets more information and so does Greg.

Greg: I'll wait on this.

April: How many kids are we talking about here? Are we talking about, you know, 30 potential kids or are we talking a few?

Cynthia: A few but you are not making the decision based on today. You are making this decision on the future. This is a long term rule change and long term you have to think about who not only is here today, but who will be here in the future.

April: So we need to look at the needs of the community to make this community decision—: Well, I can understand the frustration of paying the dues and not being able to use the amenities either, you know.

Tina: Well, I'll call Dave and then I will e-mail and let you guys know.

Susan: You guys that have kids will be affected—

Tina: And I do. I understand. Susan, I am with you on that. I am just nervous right now and it is only because I have had a bad taste in my mouth. I'm still recovering from the middle of the nights and the vandalism and the attitudes of some of the parents.

Susan: You have a lot of good kids in this town and you have some bad ones and you have that in every town. But to not allow the good kids to partake in things that we have is, you know, is just a bad taste in their mouth. They can't be trusted.

Pam: I mean, they can babysit a child and have responsibility for another life but they can't bring a friend to the pool?

Susan: You can go to the pool by yourself, but you can't come to the pool with a friend which makes absolutely no sense. And yes, you have had problems and Cynthia, I know you have had problems with teens in the past but—

Cynthia: Prior to this, the parents were saying, "Yeah, we don't want that. We don't want that." Until they have one that age and then it becomes an issue.

Susan: It has been an issue—

Pam: I've never heard parents say we don't want it.

Tina: Well, let's make the decision after I find out the liability if any.

Pam: And when will you do that by?

Tina: Faster than you will have the minutes done.

Pam: No seriously. Will you do it in time for the newsletter to go out?

Tina: I hope so.

Pam: I mean, I will take it on. I will call. I am offering.

Tina: No, I've got it.

Treasurer's Report: (Sandy)

Listing of checks written and discussed. Motion to approve bills as read passed.

The bank balances: Checking Account \$1,922.74, Savings Account \$12,298.07 for a total operating balance of \$14,470.81. Reserve Account \$14,956.29. Our total bank balance is \$29,427.10.

Sandy: One other thing, on the payroll for the month of June, Cynthia's time card had a reimbursement for the cell phone. That was not turned in so if the Board approves that reimbursement, I will just fill out, like, one of those little reimbursement things and get a check for that.

Tina: Separate one?

Sandy: We don't want to—I don't know if they are going to hit us with payroll taxes on something like that. I didn't know—I have never seen a cell phone reimbursement before. I didn't know if the Board as a whole approved that.

Tina: We needed to talk about that at this meeting.

Sandy: And if we are going to—

Tina: We should have just the reimbursement form filled out for the cell phone rather than putting it on the payroll.

Sandy: Well, I mean, if we are going to start to reimburse her cell phone, we can get a cheaper plan. The plan I have is \$20.00 for three months. Because this is going to get very expensive.

Pam: Well, you were talking about just an additional \$20.00 a month. What are we talking about paying?

Tina: Well, we were talking—we were trying to determine what to reimburse her back. She uses her personal cell phone—I call her, like, 100 times, but she uses her cell phone for Pawnee Hills business so

it is cheaper to reimburse her back for all of the cell phone usages that she does for Pawnee Hills than it is to have Pawnee Hills buy her a cell phone and pay for a plan—

Sandy: It's just a reimbursement for \$25.

Tina: It has to be separate from the payroll. It is a reimbursement back for using her personal cell phone on Pawnee Hills business. If we do not reimburse her back for her using her personal cell phone in some manner that we agree upon, then we have to provide her with a Pawnee Hills cell phone.

Greg: Yup.

Pam: I agree she should have some reimbursement.

Tina: I make a motion to reimburse Cynthia back \$25.00 a month for the use of her personal cell phone.

Greg: I second it.

Tina: Discussion?

Pam: I'm not against reimbursing it.

Tina: We have to reimburse our employees.

Pam: I agree. Cynthia, how much is your cell phone bill?

Cynthia: That's none of your business.

Pam: How many minutes do you use for Pawnee Hills Business?

Cynthia: I don't know, a lot.

Pam: I just think we should have more information to know if \$25 is a fair amount. I don't understand how we came up with that amount. I'm uncomfortable with that.

Tina: We have to treat this like a business. OK All in favor?

Aye. Aye. Aye.

Tina: One question, Sandy, the budget, did you find out where we had the line item for loss?

Sandy: Yes.

Tina: And what did CMA put that under? What do they call it?

Sandy: Bad debt.

Tina: Oh, there we go. Alright. And how much as of today are we in bad debt?

Sandy: \$1,412.97 which is a little bit less than 1.5% of our total income.

Architecture Control Committee (ACC) – Pete Smilanic. No report.

Activities Committee - Karlene Herbrand.

April: Question. Robin Pickering called me earlier today wanting—I don't know why she has not spoken to Karlene. I didn't ask her that. I wasn't aware that we needed to have things approved by the Board before we put them out so I had put a poster up in the mail house without prior approval. You wanted me to tell you what was on there? Because Robin was hoping to put out just postcards to the homeowners here with the information that was on the sign but also mentioning the water adjudication, the gentleman that would come in and speak and apparently Patty Sward said that he was going to come speak so, you know, I guess I am asking what the procedure is to, you know, have that approved. She just simply is going to repeat the information on the sign with the mention of the water.

Tina: The trick of it is, is right now I have no idea—I hope Sandy will tell me—if we even have that in the budget to—

April: Okay, and that was my next thing—

Tina: To do the postcards and then invite everybody. That is the trick.

April: So if we don't have the budget for it, I understand, okay? We—

Tina: But it should go through Karlene because she is the Activities Chairperson and knows her budget.

Pam: What is coming up that is budgeted for.

Tina: Right.

Pam: We don't know what is coming up.

Tina: What they still have in the budget and what activities they are still planning.

April: Okay. I can ask her. I will call her and ask her.

Tina: I just want to make sure that Robin and Karlene are communicating with each other —

April: Okay, well I will give Karlene a call and find out what her thing is and I will suggest that she talks with Robin. I'm, you know, concerned about this water issue and I think it would be very nice to have, you know, some information somewhere that makes that a little more clearer than just the little note on the agenda about the water issue.

Tina: Put something into the newsletter.

April: Okay.

Buildings and Grounds: - Greg. No report.

Covenant Committee – Bill Curley. No report.

Directory – Sandy Perry.

Tina: The directory went out with the notice of the homeowner's meeting so that's done.

Equestrian - RC Cuellar. No report.

Sandy: Did she get back to you about the dirt?

Tina: I have got nothing. I have got nothing from RC. I haven't even gotten a phone call so I have no idea what is going on with that.

Newsletter – Susan Laessig. No report.

Tina: Can you put the open Board position in there?

Susan: Okay.

Nominating and Welcoming – Pam Schultz. No report.

Website – Sandy Perry.

Open Forum:

Sandy: Something else to add in to the newsletter along with the open Board position to see if anybody is interested in being treasurer. I will definitely stay through the audit because that is my baby. But I have accepted a full time position. I don't know how much time I've got for this. I have been doing this three years and I need to let it go.

Tina: Well, thank you.

Sandy: If somebody wants it. We can bounce it out at the homeowner's meeting to see if anybody wants to do it.

Pam: Well thanks for three years, Sandy. Really you have done a good job. I don't think we will be able to replace you.

Tina: I just want to make a note that if Sandy does walk away from the treasurer's job and we do not have someone to fill it, the Board has to take that responsibility.

Pam: Yeah, that is going to be really rough.

Tina: Just to let you guys know. Secretary and treasurer have to be taken on by the Board if we do not find somebody that will do it. And so far I am not only the President, but I am the Secretary also.

April: Actually, how good are you at writing out job descriptions?

Pam: Do you see all the stuff she hauls around?

April: Yeah. I am terrified.

Tina: You just let us know when you are ready to let that go.

Sandy: I need to handle the audit you have to go through the fraud thing so you have to sit there and you have to answer all kinds of questions. One thing I will continue to do is if you need an notary public.

Pam: Oh good.

Sandy: Because my commission is through 2011.

Tina: Okay, I have a letter that needs to go out. It is going to go out July 13<sup>th</sup> which I think is a Sunday so I will end up sending it Saturday anyway. I will send it on an actual business day. It is going to be dated July 13<sup>th</sup>. This is a second request. It is going to go certified return receipt requested to Mike and Darla Orton of 1644 Shoshone Trail regarding the covenant violation letters, more than four horses on this property which is in violation of article 6 of the declaration of amendment of protective covenants and then I put down what that is. "Dear Mr. and Mrs. Orton: This violation was brought to your attention in a letter from the Board which was dated June 13, 2008, giving you 30 days to respond" and then in parentheses "You have been notified of the violation and have an additional 15 days, until July 28, 2008, to respond to the Board. If you do not come in to compliance by July 28, 2008, then the matter will be turned over to our attorney and a fine will be imposed of \$50.00 per week until the covenant violation has been cured. Please contact the Board if you have any questions or would like to request a hearing with the Board regarding this matter. The resolution regarding policies and procedures for covenant rules enforcement policy is available on line at [www.pawneehills.hoa.org](http://www.pawneehills.hoa.org). Your cooperation in this matter is greatly appreciated. Sincerely, Board of Directors PHCA" As of today, I have not gotten back their first one. They have not gone to pick it up.

April: Oh.

Tina: I will send this. They won't pick it up.

Greg: No, they won't.

Tina: We will go to the attorney on the 29<sup>th</sup> of July with both the first letter that we sent, a copy of that, a second letter that we sent, a copy of that to our attorney as well as a log and photos that the homeowner who reported this will then turn over to the attorney. So, I wish we didn't have to do this but I've got to do everything per our—

Greg: Yeah, it is—yeah.

Tina: So the letter is a little bit tweaked from years ago that we did this second request because I read our policy and procedure and it does say you have to allow them for a hearing. I want to make sure that they know all of this so I kind of did a little extra to it hoping that, you know, when I testify that we will have it all done. So, with your approval, that is going to go out on July 13<sup>th</sup> and, of course, unless I hear something from them in between time.

Greg: Right.

Tina: There has been proof that there has been up to eight horses at one time on that property.

Pam: We can substantiate it?

Tina: We can substantiate it with a log and testimony and—

Greg: Photos.

Tina: Photos. And there we have it.

April: Them not picking up their mail, registered mail, they can't claim ignorance is bliss?

Pam: No.

April: Okay.

Tina: An example of that is the Haans. They did not pick up letter number one. They did not pick up letter number two. We got that back in our hand and we don't open it. We get it back. We do not open it and at trial we hand it to the judge and at that time he has the choice of opening it up just to make sure that that document actually was in there. Ninety-nine percent of the time they never even care. But we keep it sealed so that we have proof that we didn't tamper in any way and that they were actually sent that. It is proof of delivery. So our attorney then writes them a letter which does not go out certified. She just sends it right to their home which, you know, that's how she does it. I do certified return receipt because I want to make sure we have every legal documentation. It is not required. It is a Tina thing, just another Tina rule that is not required.

April: If for some reason you weren't able to follow up, we have the documentation there.

Tina: Absolutely. So I mean it is unfortunate but that is the direction we are going with that one. And the \$50.00 per week until the covenant violation has been cured; we actually at this time can start doing the \$50.00 a week because it is really considered their second notice of violation. I choose not to do that.

Pam: Should we put that in our policy more clearly?

Tina: It actually is a choice. It is an open ended thing so it is optional. So we can either do it on the second run or—and we don't even have to. “The following fine schedule has been adopted for all recurring covenant violations. The first violation is the warning letter. The second violation of the same covenant rule is \$50.00. And then the third and subsequent” and so if they get rid of the horses and turn around and put them back on, we can charge them \$100.00 a week until they get it resolved. But like I said, we can do the fine schedule and, again, if we get to that point on the 29<sup>th</sup> of July and I send all that stuff to them, then I will have Cheryl make sure that they know that they are being charged the \$50.00 a week and that's the direction we are going with it and then CMA gets that document and then they also know, even though they should know because it says here that we can do that.

Pam: If that's the way they want to play.

Tina: Okay, the next thing that I have is it has been reported that Bob Rowland has chickens.

Pam: It has been reported by Bob Rowland to other people that reported that he has chickens.

Tina: There you go. I like yours better.

Pam: He tells on himself.

Tina: He tells on himself so the situation that I have here is that back on February 4<sup>th</sup> of 2005, we sent Bob Rowland a letter saying it has been reported that you have poultry on your property. It is a violation. You are notified and you have 30 days to respond. On March 16, 2005 we sent him a second notice saying, you know, please respond in writing letting us know when they are gone. I have to pull his file but I think this is the time when—who was on the Board in 2005? Were you on the Board in 2005? I think he wrote us a letter. I think he wrote a letter that said, you know, I don't have chickens—either that or he actually told us at a meeting that he got rid of his chickens.

Pam: He said at an annual meeting when he was running for the Board that he had chickens.

Tina: But I couldn't remember if that is before because, see, Patty Sward and I went after him years ago on the chicken thing and he called Patty directly and said, "I don't have chickens." And then we caught him again in 2005 because Patty wasn't on the Board in 2005 and said please remove the chickens and he said, "I've got them gone." And I don't know whether it was a letter that he sent us which I will have to pull his file and see or—but obviously he said the chickens were gone. Otherwise we would have kept going on him. Because what happened is, as soon as we did February 4<sup>th</sup> got him, on February 16<sup>th</sup> is when he turned around and gave us 15 covenant violations.

April: Oh, I gotcha. Okay.

Tina: Because he said if you go after me, you got to go after everybody. So we went after everybody. Then what happened is, right before the Haan and Linda Lee trial, he turned them in and then he got rid of his chickens and said, "My chickens are gone. I got rid of my chickens. I don't have any chickens" because we asked him and he said he didn't have them so we dropped it. We didn't pursue it. And then he said, "I am in compliance. Therefore, I am going after everybody who is not in compliance." And that is the direction he went.

Pam: What he said to these people was, we will stand up together. We will go together against the Board. We will be a cohesive unit and then he got rid of his and they all got sucked into trial. That is what happened.

Tina: Now, when he says he got rid of them and we can't visibly see them, we have to believe that they were gone. You know, you have to—I mean, if a homeowner says, "I don't have chickens" and we can't see the darn chicken, then what do we do? We have to go by what he says on record which is they are gone. Now, whether he got rid of them back in 2005 or not, we have no idea. He could have had them all these years and we just now had someone come forward and say he has got chickens and he has been hiding them and he is going around telling everybody ha, ha, ha. You know what I'm saying? So, with that in mind, do we then send him letter number one?

April: After this length of time, you should start the process again after this length of time.

Pam: First of all, we don't have a witness.

Tina: We will have a witness tomorrow or the next day.

Pam: Really?

Tina: Um-hmm.

April: And I think the witness should also get a confirming other person. You know, as a backup.

Tina: Well, that didn't take long to get, did it? So, if you've got a homeowner that says it is there and says what is going on but doesn't want to be the witness, then I totally respect that. I respect that fact.

Pam: There's not much we can do about that.

Tina: As a Board member, I cannot ignore it because once it comes to our attention and we are aware that there is a problem, then the Board has to take that responsibility on.

April: I almost wish we could make a note in the newsletter, now that Susan is gone, saying that, you know, the Board—

Pam: No, she is here.

April: Is she upstairs? Something to the effect of, you know, the Board is trying to be diligent about these matters that have been brought to our attention—

Tina: I think that if we do send Bob a letter number one, we can either just send him letter number one and say, you know, it has come to the attention that you have poultry on your property which is a violation. You are to make the correction within 30 days, same old thing. We don't have to get into what happened in 2005.

Pam: And we don't have to have an active witness to send that first letter either. Not really.

Tina: No we don't.

Pam: It is being reported through the grapevine. We write the letter. He responds. I don't have them and it is done unless we have an active witness. You know what I'm saying?

April: It seems to me with him you need to be really careful about that and, you know, actually—

Tina: But I mean if a Board member hears the chickens coming from his barn, I think we are in pretty good shape.

Pam: Yeah, if that happens.

Tina: If that happens. I mean, you've got a homeowner that says I hear them all the time.

April: What do foxes sound like?

Sandy: Bruce's go off in the morning.

Greg: Yeah.

Tina: But you know what? Would the homeowner that started this want to—

Greg: Be willing to monitor?

Tina: Be willing to do it? Or be willing to turn him in to say yes that I can confirm?

April: No.

Tina: Okay. I mean, I don't care if it was Joe Smith. It doesn't have to be Bob. I could care less who it is but if someone says Joe Smith has chickens and you can hear it from the bridle trail coming from the barn, I think it is something that the Board has to investigate because we have to do it—everything in our procedures say you have to do your homework.

Greg: Well, let's get more proof before you shoot off letter one.

April: Yes indeedy.

Tina: I won't do anything until we have proof that he does, in fact, have chickens.

Pam: Okay.

Tina: I just wanted to remind everybody that the court order deadline for Greg and Holly Haan to have their chickens removed is September 10<sup>th</sup>.

Tina: Susan Murphy court date reminder again is August 12<sup>th</sup> from 2:00 to 4:00. I will let you know when I would have to meet with Cheryl and, like I said, I usually get a call. It should be just a couple of days before trial because she needs to prepare.

Motion made to adjourn the meeting. Motion passed.

Meeting adjourned at 10:45 p.m.

Respectfully submitted.

Tina O'Bryan