

**Pawnee Hills Community Association  
Board of Directors Meeting Minutes  
February 8, 2007**

Board Members Present: Tina O'Bryan, Brian Cook, and RC Cuellar. Steve Hamblin and Pam Schultz were not present. Sandy Perry was present as Treasurer.

Meeting was called to order at 7:15 p.m.

MINUTES:

Motion was made to approve the agenda. Motion was seconded and passed.

Tina: Walt said he was going to be here today. I'm hoping he comes tonight because he is supposed to give me the minutes of all of the special meetings and homeowner meetings. We need them for our audit and to post them on the website.

Communications from community members: I have a notice of setting of the trial for Robert Rowland and that is going to be Tuesday, March 6, 2007 approximately at 8:30 a.m. at the Douglas County Courthouse.

Treasurer's Report: (Sandy)

Listing of checks written and discussed.

Motion to approve the bills as read. Motion was seconded and passed.

The bank balances: Checking Account \$2,704.14, Savings Account \$12,128.85, Reserve Account \$14,353.07, Unpaid Dues is a total of \$4,210.73, CD #1 \$5,166.68, CD #2 and CD #3 are both \$5,115.22. Total non-transfer deposits to checking was \$9,619.68.

The audit of the 2006 books, I think since we are changing bookkeepers, probably now isn't the time to try and find a new auditor, especially when our taxes are due the 15<sup>th</sup> of March, so as soon as Susan gives me the paperwork which should be late February, should I go ahead and drop them off at Fosdick in Castle Rock?

Tina: Yes, I make a motion that we go ahead and have the audit and the tax return prepared by Fosdick. Do I have a second on that?

RC: I second.

Tina: Discussion?

RC: They have been doing our books for?

Tina: Years.

Sandy: And that was one that we talked late last year about looking for a different auditor just because he has been looking at it for 12 years or so but all of a sudden I got wrapped into a new bookkeeper. I haven't had time to find an auditor and they seem to be somewhat rare, more difficult to find, so, you know, maybe next year we can have a different set of eyes looking at the books.

Tina: All in favor? Any more discussion? Anybody else?

RC: A couple of questions for the treasurer, just again, to get caught up, who is David Rolfe? What does he do for us?

Tina: He is the other attorney for the declaratory judgment.

RC: Okay. Thank you...and Marji Jackson?

Tina: Is our transcriptionist for our minutes.

Sandy: Another thing too, is, with the mailing that went out for the Rules and Regs? Apparently the post office gave us \$2.07 one mailing too much so I have two \$1.00 stamps and 7 cents worth of stamps. The post office will not take them back and cut them down to 39's. So, anybody--

Homeowner: She is honest to a fault?

Sandy: Well, does anybody do parcel post mailings, could you use this, you know?

Tina: We can use it if we have to do a certified mail or something.

Sandy: Because they wouldn't take it back.

Pete: I'm going to mail a package tomorrow.

Tina: There you go. Pete is going to give you the money.

Sandy: I did e-mail Diane Kramer and told her that we are still in a holding pattern. We probably should try to get her integrated as soon as possible because the accounting charges are adding up.

Tina: Susan Johnson with ABC has started looking over the letter agreement that I drafted. I will e-mail it out to the Board for them to look at to make sure that I haven't forgotten anything.

Sandy: Is that going to include the new policies on the collection of the judgments?

Tina: I'm hoping so but we are not sure--we haven't heard back from Cheryl yet on how we collect the monies owed for judgments. We are working on that right now.

Sandy: Okay.

Tina: That doesn't have to be part of the letter agreement. It just has to be an attachment or an amendment to it so that Diane knows exactly how we legally collect and how she has to bill for those judgments.

#### Facilities Report -

Tina: I'm going to go ahead and give the report that Cynthia prepared. TruGreen, I have the bid here. I want you guys to glance at. The TruGreen bid for 2007, we should have approved this back in like November, December but we hadn't gotten to it yet. As far as TruGreen, a selling point is their customer service. If we are not pleased with any of the applications, they come back to redo the application at no additional cost. Other companies have a policy that they will come back but we have to pay for the additional cost of the chemicals. Cynthia is in the process of doing a market evaluation. However, many companies won't come out to Elizabeth because they don't have any other commercial jobs in the area to warrant the travel time. So, what I would like to do after you guys review this TruGreen bid is to go ahead and make a motion to approve the bid for 2007. Cynthia is still going to try to keep doing cost analyses and see if we can find somebody else that can do this out here. In the meantime, we need to get some stuff started. So you guys can go ahead and review that while I'm going through the rest of the information. The building re-keying, we usually go so many years and then we go ahead and rekey. It has been several years since this was done and with a new Board and needing new gate keys, Cynthia called Acoma who does all of our locks, whom we have used in the past, and once I get that, I will call other locksmiths in the area to get other quotes. So, Cynthia had a really good idea on doing the keys and what she thought about doing was, in the past, what we did is we would let everybody know that we got new keys and then they would come to the clubhouse or call and say, "I need to pick up my key" and then they would pick it up and they would sign a sheet and then they would say, "Oh Cynthia, I will meet you over here at 5:00, can you be here? I will pick up the key" and then they don't show,

so it is a lot of wasted time. She had a really good idea. We just mail out their key with their bill. The electrical project, the work for the addition and repair for the electrical work was approved in November of 2006 so we will commence weather permitting. Most of the work is exterior so we are just waiting for the weather to break for the electrician to come out and get that done.

RC: It's been approved but we are just waiting.

Tina: Right, it has been approved. Next – the water damage. We have been talking about this for a long time. The areas that have been water damaged are due to plumbing issues in the office area restroom and kitchen. There is a leak in the roof that has not been located and surfaces sporadically and exterior drainage issues around the exterior of the building need to be addressed as soon as possible to eliminate any further damage to the facility. Cynthia met with the inspector for the water damage Tuesday the 13<sup>th</sup> of February to discuss it and get a report of the results of the testing that was completed January 2007.

Pool project: (Cynthia's report) "I followed up with a new pool company and, weather permitting, we will have an estimate. After speaking with several companies, the one that I am meeting has 35 years experience, has a comparable industry rate, and if they decide they want the job after meeting with me and if I still think they are the best fit for our needs, I would like to leave the company we have used in the past several years and switch to a new company. I have not had good luck with disclosing company names until the final bid process, so I'm leaving that out at this time. It is not secret but I have lost contractors when they get random calls from homeowners when their names are published before we get the final bid. (Tina: It is a professional courtesy and a closed bid so I appreciate her doing that). Please provide me with contact names and numbers from anyone you would like me to contact on any bid for any project who has liability insurance for the work required on the project and references." (Tina: She does call them. She does call the references). "If you would prefer to do the bid acquisitions, that's fine too but with my 15 years of doing this, I found that any time more than one person is involved, unless they are both present, there is not an apples-to-apples comparison and it is ineffective. Additionally, if anyone wants to write up the requests for proposals, I would welcome that as well." (Tina: And we had that in the past where we had two Board members talking to different contractors about one project and it ended up being--the bids--we had to throw out all the bids because one Board member would say one thing, that they wanted it done this way. Another Board member said, "Well, I think we are going this way." And then we couldn't get it all coordinated. So I totally understand).

Brian: One person per task.

Tina: Absolutely. It makes it work. Cynthia is going to meet with the--I call him the mold guy. She is going to meet with the mold guy on Tuesday to go over all of the water damage and all of the test results that have been completed and he will have the full report, all of the tests results report for both tests as well as the protocol report. So that will be all submitted and given to her and if we have to, I can have Sandy scan that information or scan the report or whatever we need. If you guys think it is better to just go ahead and just make copies for the Board members to look over, that would be fine. We could do that. I don't know what these reports look like. I don't know how thick they are. But obviously I want all the Board members to be able to have the report, read it over, and see what the protocol is and see where we need to go.

Brian: Yeah, we should all get a copy. Most of it is stuff that nobody would ever dream of but--

Tina: I think the protocol for what has to happen will be in English. Some of the test results may not but at least we will have that. So, we are looking at after Tuesday, then I will let the Board members know what kind of reports we have and then how you guys want it to be done. If it is just a simple 10 page report, I may have Sandy just scan it and e-mail it to everybody. If it is a big, thick thing, then we may want to just get copies or call a special meeting or something like that. But we have had, and I need to stress this, we have had water damage throughout the years in various areas of this building. I mean, this downstairs corner, we have been talking about this corner in our minutes for years and it has just been ignored. We knew about the toilet overflowing and leaking upstairs in the bathroom and we knew about underneath the stairs having a problem with drainage and water getting in there and we got the problem taken care of but we never did anything with the damage that was left behind. So, all of this is caused by water damage. Same with the leak up in the roof

above the kitchen area. Well, that was always--we got a leak and we can't find where the leak is coming from. We have had contractors come in. We don't know where it is coming in at. So, I'm hoping that this report will answer some of our questions. So, what started off in the corner, we have made sure is now the whole building. Did you have any questions on this one? Brian, I am going to give you that one and the re-keying. While you are looking that over, I'm going to go ahead and go through the reports from committees.

Architecture Control Committee (ACC) - Judy Trawinski - No report.

Tina: I do have Pete Smilanic who is going to take over as chair but I'm waiting to get a commitment from him.

Activities - Karlene Herbrand

Tina: Susan Laessig, I want to give you this. They have the Easter egg hunt Saturday, March 31<sup>st</sup> at the clubhouse. Pictures with Easter bunny at 10:30, snacks and drinks while you wait. Easter egg hunt at 11. So, the flyer is going to go out in the next newsletter.

Buildings & Grounds - Stephen Gile - Not present - no report.

Covenant Committee - Chuck Nichols - Not present - no report.

Directory and Welcoming - Sandy Perry

Tina: We are still talking with Walt about getting the directory done through a real estate company.

Newsletter - Susan Laessig

Tina: I already talked to Susan Laessig about a notice in there saying please don't call Board members at home. I get a lot of phone calls and, as much as I love talking to homeowners, I would prefer not getting them at home but to leave a message at the clubhouse number and then we would get back to them.

(NOTE: After further review the board decided NOT to enact this policy.)

Bill: Pursuant to the declaratory judgment, you guys actually put your phone numbers in the newsletter asking people to call you.

Tina: That was for a specific meeting.

Bill Curley: You put your phone numbers in there asking them to call you.

Tina: Thank you. Susan--If we get the legal bill in time, Susan can update the legal bill charges.

Susan: The other thing is, just to let you guys know, the deadline for getting things in is the 15<sup>th</sup>. I have to have the newsletter to Susan by like the 24<sup>th</sup> at the latest. I usually try and take it to her by the 22<sup>nd</sup> and I usually end up doing things on the weekend because I end up working every day. So I'm working in a crunch where I don't have time during the day to do things so I end up doing it on the weekends a lot and I get it into her some time during that week.

RC: And what does Susan do with it?

Susan: Susan Johnson?

Tina: She adds it in with the invoice to go out--your monthly invoice.

Susan: It goes in and then it gets mailed to go with the invoices. It gets sent to when the invoices get done and mailed.

Tina: We may change this procedure with the new bookkeeper. Possibly with the new bookkeeper I can get Elizabeth Business Center to do the copying, the folding, and the stapling for us and then we just give it to the bookkeeper to add with the invoices. What we could do is, since there is kind of a distance to drive now that

we didn't have before, what we could do is we could actually e-mail to Elizabeth Business Center all of the information and she could just make the copies without having to drop off the information.

Susan: She is actually not a problem for me because I'm in Parker more than I am on the other side of Elizabeth.

Tina: Okay.

Tina: Does anybody else have anything for Susan to put in the newsletter? Something, anything I'm missing or that you guys would like to have in there?

RC: Not at this particular moment but I will probably have something for you before your deadline.

Nominating – Pam Schultz

Tina: No report.

Website - Sandy Perry. No report.

Tina: Board business. We need to make a motion to go ahead and appoint the Board members and Officer's positions. We really haven't talked about this. Anybody want to be President?

RC: Come on Brian, step up.

Tina: Alrighty then. I can continue to be President for now.

Brian: Would you please?

Tina: I'll do it. I'll be President. And then Pam said she is fine being Vice President unless somebody else wants to do it. It's not going to break her heart if somebody else takes that.

Brian: I'd like to get a little bit more in the groove of things before I take on that position.

Tina: RC is our Secretary. Is that right, RC? Because I need to have you on tape there, RC.

RC: The bruises on my arm.

Tina: Yes, RC is going to do it. Okay, so I'm going to go ahead and make a motion that Tina O'Bryan is President, Pam Schultz is Vice President, RC will be the Secretary and Board member and Brian a Board member. Sandy Perry is our Treasurer and Steve Hamblin is a Board member. Do I have a second on that? Oh, discussion? All in favor? Aye. Motion passed unanimously.

Tina: What I am looking at right now is bookkeeping issues that we have with Susan Johnson and Cheryl Mulvihill, our attorney. We are trying to get some things taken care of because we've got judgments awarded to us now. I'll give an example. Linda Lee is a judgment that we have been awarded. What we thought was that Cheryl Mulvihill was going to go after that money and that she was taking care of it. And there was a little bit of miscommunication. A few of us thought Cheryl is taking care of collecting it. Well, sure, she will take care of collecting it if they are not paying. Then she goes after their wages and all of that, but she doesn't bill them on a monthly basis. The result was that we are to bill for attorney's fees and the judgments and send the homeowner a copy of the attorney bill. It is due upon receipt and we would send out an invoice and if you don't pay it, what happens?" Just to give you an example, if it is due upon--say we send out a bill to Linda and we send a bill to her saying, "Okay, the judgment is XYZ" and we give her copies of all of the attorney's bills so that she knows that is what makes up that number and it says due upon receipt and she doesn't pay it. So if it went out, say, the 5<sup>th</sup> of this month and on the 15<sup>th</sup> of the month it doesn't get paid, well it was due upon receipt, what do we do? Do we wait until 30 days after it was mailed out so 30 days after, say, the 7<sup>th</sup> of the month that it was mailed out? If it is not paid, do we charge the \$10 late fee and the 1% interest on that? Do

we give them the 30 days? So right now what we are trying to do is legally make sure we are doing the right thing and charging the right fees and we are doing it in the right time frame. Does the lien get sent out-- because we already have a judgment, do we automatically file a lien? So there are a lot of legal issues regarding how do you handle the covenant violations that we have gotten judgments on and then also on the other side is, how do we handle it on the "I'm not paying my dues side" because there are two different issues going on? You've got covenant violations that we have gotten judgments on that is treated differently than people not paying their dues who have contacted Cheryl without going to trial and saying we will pay up and then not paying up. So we've got kind of two different issues going on and to make sure that we do it right and bill correctly, I've got Susan Johnson talking directly with Cheryl to make sure that our bills are reading right, that if we do invoice, that the right paperwork gets to the homeowner, that we are doing everything correctly. So it is kind of an open item right now until I can get all the answers that we need answered for this. Then I'm hoping what happens is we hand all this information, once we get the new bookkeeper to say, "This is exactly how it gets billed. So we are kind of in uncharted waters right now so we are hoping to get that one settled.

Brian: So we just need to make a protocol for when it happens again.

Tina: Absolutely.

Sandy: Do I continue, then, to send monthly legal bills to Susan?

Tina: Yes.

Tina: Susan Johnson has to make copies for the homeowner.

Sandy: Do you have a copy of the brief that was filed for attorney's fees for the Beireis case?

Tina: You know, I don't know. Let me check with Cheryl's office and see if we can get the actual judgments that came back.

Sandy: Yeah, but we have a copy of the court order where it defines the dollar amount but I don't have anything that Cheryl turned in to the judge saying this is what constitutes that amount or how that amount was arrived at.

Susan: The affidavit.

Sandy: I mean, the judge asked for a brief from her that describes the attorney's fees.

Tina: Right.

Sandy: She would have to turn that in. Do you have that piece of paper?

Tina: That I don't have but that was created at the time that the affidavit was filed so the information that Cheryl had was the information that she got from Susan Johnson with ABC.

Susan: But I think what she is saying is she had filed something with the court that we should have a copy of.

Tina: Yeah, I can get a copy of the affidavits from all of the judgments.

Sandy: Okay, that is probably what Susan would need because she was asking me what constitutes that dollar amount and I don't know. Because if I went through my legal bills, I don't know what the judge--

Tina: Right, and see, it was both. It was Cheryl's legal bills plus Susan Johnson's fees so it was the first letter, the second letter, etc.

Sandy: No, this is from the covenants. We got judgments on the covenants.

Tina: Well, it was still--you see, part of it might have been the first letter that we sent out. I don't know whether she captured that in there or the second letter, you know. I don't know if it was the cost for us or if it was just Cheryl's trial information or the legal bills that constituted that. Because I don't know what the affidavit had said and how she came up with those numbers. We will do that on all of the cases I will make sure that we get all the case information.

Bill Curley: Not all of the fees apply. Presumably a judge declared that Linda Lee is liable to pay X number of bucks and I think it was stated down to the penny in the last newsletter what she was required to pay, I don't know 4 to 5 thousand dollars and the judge presumably made a judgment that she is obliged to pay us. Is that correct?

Tina: Yes.

Bill Curley: End of story. I mean, the judge can't have made that judgment based on nothing. So it's all known already, is that correct? So if I'm going back to the attorney to ask questions, if that is not the number--

Sandy: The attorney had to file a brief to the judge saying this is the amount of--

Bill Curley: The fees.

Sandy: Reimbursed and so he picks and chooses or does something and comes out with that number and I would like to have a copy of that.

Bill Curley: So we don't necessarily need to talk to the attorney about that.

Bill Curley: And at what point did the Board appoint you, Tina, the power to contact the attorney, make judgments, ask for judgments, incur fees on your own? Because it seems to me you do a lot of that without asking the Board for policy suggestions without telling them what you are going to do. You just call the attorney and talk to them, saying "this is what I want, what do you think we ought to do?" Could you find this for me, could you help me out with this part here without going to the Board on any of it? You are acting entirely on your own and spending my resources and the community's resources for doing this. Now, nowhere in the covenants and certainly nowhere in the state law does it say that a single Board member can make those kinds of judgments and incur those kinds of fees without a majority vote of the Board. Nowhere does it say that. In fact, it is expressly forbidden. So I'm kind of curious where you came up with that power.

Tina: First of all, when I discuss anything with the Board, it is what do we need an opinion from Cheryl on? Where are we at with XYZ? I do not just on my own arbitrarily pick up the phone and talk to Cheryl about anything without the Board--

Bill Curley: By your own witness you have done that in the past.

Tina: Can you give me an example because I sure don't know of one.

Bill Curley: Yes. Back when the Board asked you please to suspend any further activity on the declaratory judgment and either the attorney called you or you called the attorney. It is all a little fuzzy, nobody knows what happened. You told the attorney that the judge had ruled against proceeding with the declaratory judgment and the attorney said if you want me to go forward you would have to appeal it and you said go ahead and appeal it.

Tina: No I did not.

Bill Curley: That's what you said at that meeting.

Tina: No I did not.

Bill Curley: That's what you said and the Board said--

Tina: I did not say go ahead and appeal it. I said that is what Cheryl's opinion was, to go ahead and appeal it.

Bill Curley: And so you told her to go ahead and appeal it.

Tina: No I did not.

Bill Curley: She did make the next move.

Tina: David Rolfe made the next move. And David Rolfe is not representing the Board of Directors; he is representing the homeowners.

Bill Curley: Okay. So you asked David to go forward.

Tina: No I did not.

Bill Curley: He can't do it on his own.

Tina: Yes he can. I'm not going to sit here and argue about this because I have told you this already in the past--

Bill Curley: You get my point now, don't you?

Tina: Bill, I always get your point.

Bill Curley: I have a rash of charges.

Tina: You know what, Bill. Tell you what. We've got business that we need to take care of. We don't have a motion on the table. We are not asking for discussion. If you want to write a letter to the Board, fine, but we have business that we need to conduct. So if you've got a grievance against me, please submit it in writing and send it to the Board of Directors, fabulous. If you would like to sue me, do so. I don't care, but I need to move on. If you think I have been unethical in any way, I'm sorry you feel that way, but I would speak with the other Board members and know that I do not do anything without the Board members' approval to go forward and normally I don't just get 50% or the majority of the Board members. I want all of them to be in agreement of what we are asking as far as legal. What covenant violations we go after, the protocol, that type of thing.

Brian: I don't think she needs to defend herself any further.

RC: I don't think she needs to defend herself either. There is a time to move on and there is a time to try and heal this community and move forward. I can tell you that from what I have seen, Bill, in the past week and a half that I have been on the Board, your accusations at this point are false. And unfortunately, things don't always appear as they seem. They aren't really what you see--what they are in reality. So, not to minimize your complaint, but I would ask strongly that you give this new Board a chance to see what is going on. That's all.

Bill Curley: It is just, if I could only judge unfortunately, and occasionally I am only judged by appearances. That is all I am saying. And unless the process is more transparent in some way, it's all we've got. Appearances--

Brian: It is an open meeting right now and if you will allow the Board to go through its minutes, to go through its business, okay, then I think you will see things a little bit differently. So give the Board an opportunity to work together and, in Tina's defense, I really don't think that just an open allegation like that in a forum like this

is called for. So what I would like to see is, if you really have a complaint, as Tina said, please document it, bring it to the Board, and in an open forum like this we will be glad to look at it. Okay?

Tina: As far as the declaratory judgment, I really don't feel comfortable talking about that without having Steve Hamblin and Pam Schultz a part of it. I really believe that we need everybody here regarding that. We have talked about all of the open items that we have going on. We talked about putting that kind of together so what I did is, I put all the open Board items that we've got going on. Please add to it, delete it if you think something is not necessary or whatever. I'm open for an opinion on all of this stuff. I know that anything that we've got going, like, for instance, on the punch list, on the last page, that punch list I really kind of want to work and, Brian, if you want to volunteer to help on this one--

Brian: Yes.

Tina: There is really--I don't know if all of these are valid or if some of it has been done. But maybe you and Cynthia can go through this punch list and determine a priority, if it is something really--I mean, we've had this drainage on the south side of the building which is what we are doing right now, this corner right here. So, some of this stuff has been ongoing for quite some time. So, the punch list for Cynthia is just kind of--if you can kind of head that. If you can do a walk through maybe with Cynthia and see if there are some additional things you see need to be handled outside of our drainage problem.

Brian: I'll set up a meeting with her and--or it is probably going to take more than one meeting.

Tina: Yeah.

Brian: I'll get caught up on it and I'm going to choose basically the things that I feel are most important.

Tina: Yes.

Brian: And I'm going to prioritize them and then we will go through them and, you know, have her let me know what she knows and then we will assess it and then go from there--

Tina: And you may do a walk around and find five other things that I'm not even seeing because I'm not really--

Brian: Yeah. I hope not.

Tina: And I'm asking RC if you can do anything because I don't have anything as far as a punch list or wish list or something from the equestrian side. So, if you can come up with something on the barn, arena, fencing, whatever you see, that would be great for me.

Pete: Are they still talking about the sprinkler system?

Tina: You know, we talked about it. It's kind of on the to-do list. We are hoping we can come up with something.

Pete: You know, there is a guy that lives here, that's what he does and he said he could do it for way, way less than what you were talking about.

Tina: Do we have his name?

Pete: Ron Brown.

Tina: And I will get that to Cynthia or we can work with that, absolutely. Because if we can get somebody here to do it --I'm right there.

Pete: He said he doesn't know what they are talking about with the amount of money you are looking at.

Tina: Oh, absolutely. Great, thank you on that.

Brian: Thank you.

Tina: One of the tabled issues is the trail markers. We tabled that because we don't know what markers are needed. We don't have any idea--so it just got tabled and pushed to the side, so RC, if you can pick up with that, that would be great because we have no clue on signage and where it needs to go.

Tina: The drainage at the arena and barn, again, that has been tabled because nobody understands what the problem is. Somebody said there is a problem--

RC: Fill me in, what type of problem are they saying there was?

Tina: They are saying that they get puddles, a lot of puddles in the arena when we get a heavy rain and the drainage is really bad there. Sandy might know more about it but--

Brian: Those are supposed to be flat, aren't they?

Tina: I don't know. All I know is we've had complaints about the drainage and we've tabled that issue for a long time.

RC: It seems to me and, without actually going out there and looking at it, just from the couple of times that I have ridden there that part of the problem at the arena is the soil, what is used, you know. It doesn't drain. It is not arena dirt. It is more of a clay mixture.

Brian: So it doesn't absorb.

Bill Curley: We looked into this some years ago actually and in some depth. We had a couple of guys come out and what we really need is--I'm afraid it is hellaciously expensive for a drainage system, so what you do is you build up a base out of nice hard mat clay and you actually have it drain in that base and then you put the clay on top of that base. It is expensive to do. It costs a piece of change. So, unless we feel that that is a community priority, you know, you might just have to live with piling the sand up. It is expensive to do. We have to take all the sand out of there and redo it.

Tina: Okay, Sandy.

Sandy: You are better off if you can keep the arena dry and for it to drain well we should cover it.

Tina: You know--I'm telling you, I think that is a wonderful idea to have a nice covered arena over there. Boy would that add some value with it. That would be wonderful but--

Brian: It would be very cool.

Tina: But, like I said, those were tabled issues. Another tabled issue--go ahead.

RC: No, I would be glad to look at those.

Tina: Trust me, this issue has been on the books for, well, since I've been on the Board, opening up the west end of the bridal trail which are the houses at 1040, 1100, and 1142 Sioux Trail, Okay? It is just those three first houses on Sioux Trail there. We did actually get a survey done on those three, okay? What ended up happening is we had realized that Eisendrath, who owns the property on that other side there, right on this corner here, he owns this property and his fence has been there since before the development came in, alright? So we cannot touch his fence. We were going to go over there and see if we can get them to open the bridal path up by taking and leaving Eisendrath's fence there and then we would just kind of go back, say

10 feet or whatever we thought a horse needed to get through there safely and ask the three homeowners if they would do that, you know, and see how far off we are on that side. Well, what ended up happening is, obviously our one year limitation which means that we can't force them to do anything because they have had their fences up. We couldn't even touch Eisendrath's because that would just be a legal nightmare. We would lose on that one. But, they've had their fences up a lot more than a year, I can tell you that much. So what ended up happening is, some of them had tied their fence right to his, you know, that type of thing. So that has been an open issue. At one time, I had them all three talking to us and all three of them agreeing, hey, you know, maybe we could buy the material for them and help them put it up, kind of a community thing. They were all three willing to do that at one time but we got busy with other things so we didn't, you know--

Brian: Didn't pursue it.

Tina: Didn't pursue it. So that is another open item.

Bill Curley: Now this is all leg work that I recall doing some years ago and I had everyone except the one corner property, I don't remember his name, the gentleman has been here since Pawnee Hills was formed. Everyone but him was on board. They didn't want any out of pocket expense for themselves and the Board at that time said sure, we can buy t-stakes and I talked to a bunch of community people who said, "Sure, we will drive these stakes, put on some wire" and had everybody agree except for that one corner property that we could do this. He would have come along too but that just sort of died. We can do that again. Eisendrath will allow us to straighten out his fence. They don't care.

Tina: No, we already talked to Eisendrath and he said, "Touch that and you will be in court." So that is not even an option right now, especially because we have actually got that in--

Bill Curley: You know, we are, though, dependent entirely upon the good will of those four properties right now.

Tina: And they actually all have legal rights to leave things as they are so this isn't anything that the Board can do but it is something that I wanted to make sure the other board members knew that these were tabled and what they meant when they had this on here. So, that's just another kind of thing that is open and out there.

Dawn Hill: Are they exceeding their legal limits to their property line?

Tina: It is pretty close. We are not talking like 10 feet or anything like that. It's very close, yeah. It's close.

Bill Curley: It's all survey lot because we had the survey lot and it is in fact not on the survey lot.

Tina: But we as a Board can't do anything about opening that up so it is kind of a dead issue on our end.

Dawn Hill: It hasn't wandered significantly that the homeowners can go after.

Tina: No. The homeowners are all fine. I don't have anything else unless you guys have anything. These open Board items, any of this stuff, anything that you can see that we are not getting done or that you would like to see done, please let me know. We will just keep adding on to this and just keep working through all of these projects. I will have--like I said, on Tuesday after Cynthia meets with them, we will get that going as far as the mold issue and our report and where we go from there. Does anybody have anything as far as Board business that I am missing or you would like to bring up now?

Ken White: The drainage issue of the arena, the east side of the arena goes through my property and it leaves a mass erosion problem I have because most of the drainage water from that whole arena comes through my yard. It is like the Grand Canyon

RC: You are east of the arena?

Ken: Yeah, east of the arena.

Tina: Thanks, Ken, because I didn't know it was that--

Ken: I brought it up at previous meetings, to see if we could divert it.

RC: Try to divert that?

Ken: Right.

Tina: I mean, I don't know, could we use --like hay bales, would that work to try to divert some--I don't know.

Ken: A ton of water went through there.

Bill Curley: So your fence line is east of where the cut was made at the arena down there so your fence line is east of that but there is a portion of that which is grasslands, not really down between your property and the arena property line.

Ken: It is for the first 400 feet down Belgian Trail and then the property line is 700 feet long down at the bottom of the trail - if you walk down by the arena, you'll see it.

Bill Curley: Has it taken the fence down?

Ken: It has taken the previous fence down. I finally used cement and redid it. But I just wanted you guys to be aware of the problem--

Tina: Thank you.

Ken: I'd say at this point not a whole lot could be done. The other point I wanted to make before we go on, you mentioned new keys. Is there any way that when we come here to vote and the homeowner has a little asterisk next to the person's name if they are not paid up on their dues...would it be fair to withhold the key from somebody until they pay their dues? It might get someone to pay it.

Brian: That's a good question.

Tina: That's a good question. I know that we can't take their key away from them. In our letters to them, when they are behind in dues, our letters do specifically say you are not allowed to use any of the clubhouse or any of the Pawnee Hills facilities.

Pete: So why shouldn't we keep their key?

Tina: Well, I suppose we can hold off giving them a key and not letting them get the original key, but eventually when they do pay, they get the key and three months later--yeah, we could probably--you know, we could probably hold that, yeah. You know, as ransom, yeah. Sure.

Ken: You can't vote unless you are paid up.

Tina: Right.

Ken: And if you are not paying your dues, you shouldn't be using all of the niceties of the place.

Tina: They are not supposed to. Absolutely.

Bill Curley: For that \$4,000 in arrears apparently on dues, how many people does that represent and do you get feedback on why?

Tina: Oh, I don't ask people why they don't pay their bill.

Bill Curley: Do they tell you? Don't they tell you why they are not paying?

Tina: Oh, heavens no.

Tina: I'm just going to go ahead and go to open forum right now.

Open Forum:

Tina: Dawn had asked about the electronic key. The problem with it is the cost and manning it. So we did have Acoma Lock and Key come in and talk to us about putting the electronic readers on--the key cards, doing it on the front, doing it on this one here. You know, having it protected, having that type of thing, and then we would have a computer that they can download to and you would know who came in and out and that type of thing. But the cost was so much more than having us rekey every so many years.

Brian: How many bids did we get?

Tina: I think she had gotten two of them, at least two. I know Acoma and another one she had gotten for sure.

Brian: Is it something we really want to push? Because I can probably--

Tina: You know, we can revisit it. We can revisit it because what she is going to do is get me the bid from Acoma to do the re-keying and we will have a set amount and then I could say, okay, it is going to cost us, I don't know, \$300, \$350 to rekey it. You know, I'm just throwing out because I can't remember if we rekey it every two years or every three years so I forget what the cost is. So she comes back and says Acoma is going to come in and do new Board keys and rekey everything and get 300 keys made and it will be X amount. I give that amount to you and you go out looking for these card reader things and you can determine what our--it is going to take us 10 years for a rate of return to break even. Do we do that, yes or no? Absolutely. That is not a dead issue and she--

Brian: I'm going to look into that.

Tina: And she will tell you even about what she found out from Acoma, what the price was because I had it at one time but it died.

Brian: Okay.

Bill Curley: How about a Homeland Security grant? We could probably get one.

Brian: I'm sorry?

Bill Curley: Homeland Security grant, you could probably get one.

Brian: Think so?

Bill Curley: Yes.

Dawn: It could take care of couple of different things. One, we can limit the free access to the pool and the amenity, and two, it also helps with anybody vandalizing because they are going to have to key it to come in and you actually track that.

Tina: Well--the vandalizers hop over the fence. I've actually watched them from my back deck. Kids actually pop right over the top of the fence and go, "Dang." If I wasn't too lazy to go over there and had kids, I would probably drive over there going "Hey!" And what ends up happening too that we found out is that people give

their keys to other people, so like one homeowner says, "I lost my key" or "They took my key away from me because of this."

Dawn: They are still responsible.

Tina: They are responsible for that and you are absolutely right, Dawn, I thought it was a really good idea but it was--the cost of the readers and we just didn't see that cost going out and when we were going to see it back, so, it--

Brian: There are a lot of advantages to having an electronic key card, for sure.

Tina: Yeah. And if they do lose these, you know, we charge \$3.00 for a little key, but they lose those and it is like \$10, \$20 a pop if they lose their card key.

Dawn: You can buy a little thing that you can rekey it yourself here.

Tina: No, no, no. I'm saying the cards themselves, to make the homeowner more responsible because you are not asking them for \$3, because we have homeowners that lose keys all the time and they are like, what's \$3. But they lose that card key and they've got to fork out a \$20 bill, they are going to be like, uh, you know. They are going to be screaming at their kids going, "You are going to pay for this key that you just lost."

Brian: True.

Bill Curley: Just a \$3 fee is, in fact, a replacement charge on keys but we are not taking a loss on that but it is a replacement charge, right?

Tina: Yeah.

Bill Curley: Okay.

Tina: I don't know where that was going but okay. Does anybody have anything else for open forum that anybody--

Dawn: I've got a question.

Tina: Sure, Dawn.

Dawn: On the budget you show \$200 for snow plowing. We paid out \$300 last month. How are we going to (a) cover the extra hundred and come up with that money and b) make up for any additional money for the rest of the year? Are we going to dip into savings and credit or--

Tina: Well, it's a good one. We will now raise our snow removal budget for--this is a good one--2008 to be higher.

Dawn: Well, apparently we didn't use the snow removal budget last year.

Tina: No we didn't.

Dawn: Do you then carry it forward and then add to it.

Tina: Right.

Brian: These storms have been crazy so--

Dawn: Wasn't there a blizzard last year too, in March?

Tina: We did and we got a homeowner that just did it for--I don't think we--

Dawn: Free?

Tina: Yeah. They came in and just cleared it all out for us. Yeah. And they didn't charge us anything for it.

Tina: Good catch on that, Dawn, because I didn't even think about it. We just looked at that and went, "Okay." We did spend that much last year so we are okay.

RC: It would have been an item that would have been seen when we prepare the next year's budget. I mean, you look at the expense and you go, "Oh, we had a big old storm, yeah."

Tina: Yeah.

RC: We need to allocate for it. Unfortunately, it is kind of like doing your home budget, you know if your electricity bill runs too high, you've got to take it out of the grocery bill.

Dawn: But you definitely will look at what was spent and so I wanted to make sure that it was okay like that.

Tina: Absolutely.

Brian: Definitely.

Dawn: Did this Board meet with the old Board regarding the declaratory and are they still talking to get everything figured out between each other?

Tina: We did not get a chance between the homeowner's meeting and this meeting to even talk about the declaratory. We were just trying to catch up on all the other legal issues that we've got going on. So, we are hoping to continue with that discussion. We just haven't had any and, like I told them before--before you came in, I'm not comfortable talking about the declaratory with two Board members missing. I think it should be a whole.

RC: Are we done with that topic?

Dawn: Yeah.

RC: Okay. Are we still under open items?

Tina: Yes.

RC: I'm just curious, I'm looking back here at the notes and saw a situation with Darren. One of my personal pet peeves is the mailroom, how bad it looks. I mean,--

Tina: The mailbox shelter?

RC: Yeah.

Tina: Okay.

RC: Is that anything that anybody is assigned to or do we need a volunteer?

Brian: What do you mean it looks bad? Does it need to be stained or what?

RC: It is always full of trash. I mean, everywhere.

Tina: When I had Darren doing that, he was really working hard doing that. He kept it pretty clean and that type of thing. And then what ended up happening is, with the snow storm and all this, it got so trashed because they didn't pick up the trash and people were throwing stuff in there--I mean, they think it's Goodwill. They actually put encyclopedias and stuff up on the top the mailboxes for people to take. So, I'm trying to let Cynthia try to gather herself together to help get all this stuff taken care of and done because now we are just down to Cynthia.

RC: Okay. So she does look at that?

Tina: Yes.

RC: I was just wondering.

Tina: We've lost Darren. We don't have Darren anymore as an employee.

RC: I might go over there this weekend and--

Tina: Oh man, that would be great. I mean, I would love for homeowners to clean up after themselves and to help keep it up. That would be wonderful. But when there is graffiti and stuff on there, he has always been real good at getting over and using that Sol-U-Mel stuff straight and it takes the Sharpie pen right off.

RC: Do we have any?

Tina: I don't know if we've got it here but he had some. And I thought it was great that he just used that because I don't want to have to keep spray painting it, but he said that Sol-U-Mel straight wipes it right off of there with that. Sol-U-Mel, it is a Melaleuca product.

RC: Oh, okay.

Tina: Whatever you can find that will cut that with--

RC: Alright. I think I can come up with something.

Tina: I'm good on that.

Homeowner: Have you talked to the postal inspector about that going on?

Tina: We own those boxes. They actually belong to us so all they worry about is just getting the mail in the slot, that's all they are responsible for. We are responsible for all of the upkeep.

RC: That's something I didn't know. Does that mean when the boxes were vandalized several months ago, did we had to pay to replace them?

Tina: We would have but we contacted the post office and they said that they had some used boxes and they actually did it for us for free. They never did charge us for it. So we were very lucky on that. But, we do have it in the reserve study if you read it, replacement for those because we are responsible for them. Now, we are not responsible for a homeowner losing a key or anything like that but we are responsible for the boxes. I encourage people, if they are driving by and the place looks a mess, you know, pick up some trash, throw it in the bin. If you do see any stuff up there, could you call the clubhouse and let them know it is up there because I don't go there very often. Look how long it took us to notice the entrance sign.

RC: My favorite one, someone keeps writing "\$45 for what" on the boxes and I feel like just taking a marker and going "to pay someone to remove your graffiti."

Tina: If you would stop writing this, it will save us. We have to pay an employee to go over there to take off the graffiti and I'm thinking, you know, would you stop? I mean, write me a letter. That would be fine. I don't care. Stop writing on the outside. The other thing is, you know, we were talking about possibly getting a handyman or somebody and Brian, I'm kind of throwing this back at you and RC if you've got any ideas. Is there stuff that we can fix ourselves? Is it stuff that we can get volunteers to do? Obviously anything electrical or plumbing-wise we have to have somebody who is licensed and has insurance and that type of thing, but, somebody to do something that can help with this, that would be great. So, we are still kind of up in the air. Do we get another employee? Do we just get a handyman to do some of these bigger jobs, that type of thing.

Brian: I will address that.

Tina: Anybody have anything else?

Dawn: I have a suggestion. Under the committee's area, could you put, like, Architectural Committee and then what their guidelines are for submitting and stuff? Because I know a couple of people and they are like, "Yeah, I have no idea how we are supposed to submit it, what we are supposed to do" and I say, "Well check the website." One of them came back and went, "I did."

Tina: And that is part of what I am working on with Pete because--Pete Smilanic, he was going to give me a phone number that they could call him directly and say, "I have XYZ and I'd like to submit it." So he was going to give me a phone number that we could post.

Dawn: I personally would prefer not to have a general guideline but to go call somebody because the verbage for each person could be implied differently.

Tina: We are working on trying to do the ACC Rules and Regs. That is on our to-do list. So once the ACC Rules and Regs are approved, then everybody will have that information on the website so they know exactly how to submit it, how much time, all of that. That was one of the last rules that we've got to get done.

Dawn: And then just maybe contact information for each committee member or, like, have each committee so if someone wants to get involved with the activities, they can call the activities person--

Tina: Right but a lot of the people don't want their home numbers so what we've done in the past is to have them contact the clubhouse if they are interested in being on a committee.

Dawn: If I recall correctly, SB 100 said that if you are a part of the board or on a committee that your number is supposed to be posted.

Tina: No. It's just the clubhouse number that has to be posted.

Dawn: No, the home numbers.

Tina: Read it again and then let me know where it specifically says that.

Dawn: I have it from that meeting that we all attended. A paper from the lawyer that says they are supposed to have their home number, their work number, their cell number--

Tina: We contacted them after that meeting and asked them that specific question and they said no, as long as you have a main number that people can call. That is where they call. You cannot force Board members or committee members or any volunteer to leave their home number available.

Dawn: Hmm.

RC: And while I'm very open to the idea of anyone calling me, I wouldn't want to list my work number.

Dawn: That is where it was stuck with me because how many employers want Pawnee Hill's phone calls to go to them.

Tina: And like I said, they can leave messages here at the clubhouse.

Bill Curley: Who wrote the Policies and Procedures documents that we all got at the top of the year here? Who wrote that document?

Tina: It started off as Senate Bill 100 and then the revised/additions with Senate Bill 89, then went right to Hindman-Sanchez and they then created the draft document for the Board to review and approve.

Bill Curley: Hindman-Sanchez?

Tina: H-I-N-D-M-A-N Sanchez.

Bill Curley: They are a legal firm here?

Tina: Yes they are.

Bill Curley: And they wrote that document?

Tina: They wrote the draft of it, yes.

Bill Curley: Okay. And did the Board then abandon that document or did they simply accept what Hindman-Sanchez--

Tina: We made certain changes. Not many but we did make changes to it before we all then voted to approve that.

Bill Curley: Because it says in that document that it is--essentially says that it becomes a part of the declaration and the declaration is the covenants so it says in that document that that document now is a part of the covenants. It specifies that in the document and I want you to be aware of that.

Tina: Um-hmm.

Bill Curley: So--

Tina: I'm aware that it says that it is part of our covenant and bylaws. It is part of our rules.

Bill Curley: So you have edited that document and its amendments, which were just published. You just added this entire document and it's amendments to the covenants.

Dawn: Bylaw.

Bill Curley: It is just what you have done.

Dawn: No bylaw. The state required us to do that.

Tina: Yes.

Bill Curley: Well actually, that's not quite true but that--I'm just asking if that is what you believe to be true?

Tina: We understand that these rules and regs go along side all of our covenant and bylaws. These are policies and procedures, rules and regs that are in addition to our covenant and bylaws, which becomes part of what governs Pawnee Hills Community Association.

Bill Curley: This isn't what it specifically says, though. It specifically says it becomes part of the declaration. In other words, the declaration of the covenants. So it becomes part of the covenants. What it specifically says in law, if this is the document and that's what it says. So--

Tina: And your point would be--what--where are we going with it?

Bill Curley: My point would be that the Board signed off on an enormous series of changes to the covenants and bylaws with three signatures and I am--

Tina: Well, at the time we only had three Board members.

Bill Curley: No. This is what I am saying is that it took three signatures to make enormous changes to the covenants and the bylaws according to this document. Three signatures.

Dawn: Indicating that it didn't go to the community and that they didn't vote the 2/3 vote on it? But the Board didn't have a choice by law.

Bill Curley: Actually, that is a deceivable and disputable. Just to make my point as simple as I possibly can, the choice the Board made probably on the advice of Hindman-Sanchez was to declare that it would be in compliance with every stricture of SB-100 and SB-89 and then stating exactly how it would be in compliance, which is totally not necessary. It would be like you or me having to sign a stipulation that we were in compliance with every single law and every stipulation in law of US Judicial codes, State Judicial codes, the County Regs, and get a lawyer to sign off on that. That's not necessary. What is necessary is that you don't break the law. That's what is necessary. It is not necessary to stipulate in every sense that you will comply with this specific statute. What you need to do is not break the law and so that document was, in fact, not required and some of the stipulations in that document now, the heading in that document says that this is required. It says that four separate times in there. This is required. But all of the stipulations in that document are, in fact, not required under the law. All the stipulations are not required. There are only two specific recommendations that were made. Rather, the stipulations that were made where these Boards had to act. And in both those cases, we had already acted. You had already made a policy and procedure for handling just the resolution between the Board and the community. It is already on record. You had already done that. And that was one of the major stipulations that you had to do. All those other stipulations in there said that you were required by law to list. We are required by law to charge overcharges for not getting your check in on time. We are required by law--that's what it said in the document. The law requires---

Tina: I'm just saying we can give you a couple of more minutes and then we are going to have to wrap this up.

Bill Curley: I understand--

Tina: I appreciate your opinion but--

Bill Curley: I understand what you are saying but what I am raising here is an essential point about what the Board has chosen to do with these two laws, SB-100, SB-89 is in fact in variance with both the letter and spirit of those laws and the stipulation that these policies and procedures are required by the law is a falsehood. Now maybe not by meaning of a falsehood, it might be unintended. It is nonetheless untrue and the community must understand this. I will do whatever it takes to get the community to understand this.

Tina: Okay. Thank you.

Brian: Alright.

Motion was made to adjourn the meeting. Motion was seconded and passed. Meeting adjourned at 8:36 p.m.

Respectfully submitted,  
RC Cuellar, Secretary