

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

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

Meeting was called to order at 7:12 p.m.

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

MINUTES:

Facility Report:

Tina reading Cynthia's report: The mold and asbestos remediation is in progress. Permits are being pulled and the project is to begin the middle of November and is estimated to take two weeks at which time we will need to begin the rebuild. I need a Board decision as to how to proceed at that time. Anything we don't need cleaned needs to be removed from the building prior to remediation and returned after testing. Vacuum cleaner is in need of replacing or repair. How much money do you want to spend on repair if it can be fixed? How much do you want to spend on replacement? To replace existing is around \$500 not including tax. Sears Kenmore canister with the upholstery attachment is \$350 not including tax. The graffiti in the mailbox shelter continues. I am cleaning two to three times a week so vandalism, graffiti was reported to the police and the deputy was to report it to the postal inspector. Still no status on August 12th pool and break-in incident. It has been turned over to investigations. They aren't sure they received the file in Investigations and are tracking it down and going to call back.

Tina: As far as the graffiti goes Cynthia painted the side of the mailbox that keeps getting vandalized black. Since the writing is always in black, a homeowner suggested to Cynthia to just paint it black to help prevent any more writing on it. Cynthia also checked with the US Postal Service and asked them if she could paint it and they said the mailboxes belong to us.

Brian: Great.

Tina: So she painted this one side black. If we have to, I'm about ready to say paint the whole thing black and see what they do. We've taken other photos and have got a file with the police department. If we catch the person and or persons doing this then we would be able to press charges and get restitution for damages and also turn them over to the US post office.

Brian: Why don't they just move out?

Tina: Well, if we could figure out who is doing it that would be fabulous. I would love to write back that the reason that the dues are so expensive is because we have to spend money to remove your graffiti off of the side of the mailbox.

Brian: We could leave one that says, "Hey, you know, if you are going to vandalize the place it is going to cost us more money."

Tina: Yeah, so keep it up and we will end up with an actual line item on the budget for the idiot who keeps vandalizing the mailbox – how about we set aside \$500 a year for that.

Brian: Whoever you are.

Communications from the Community Members:

Tina: We don't have any communications from community members.

Treasurer's Report: (Sandy)

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

The bank balances as of today: Checking Account \$7,370.49, Savings Account \$6,352.42, Reserve Account \$22,802.10, CD #1 \$5,342.39, CD #2 \$5,231.80, CD #3 \$5,292.00.

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

Activities Committee - Karlene Herbrand. No report.

Sandy: She turned in an invoice for the Halloween party and we've got their pictures posted on the website. She also wanted to know how much money they have left so I can e-mail her back or something.

Tina: Okay. I'll let her know what she has got left.

Buildings & Grounds - No report.

Covenant Committee – Bill Curley. No report.

Directory and Welcoming – Pam Schultz. No report.

Equestrian - RC Cuellar. No report.

Newsletter - Susan Laessig.

Tina: I spoke with Susan Laessig and we will probably do a newsletter for next month. Sandy and I talked about whether we buy another enclosed glass thing to be posted up at the mailbox shelter and then that's where we can put a copy of the newsletter. Post a newsletter just on the website and then a hard copy goes out to anyone who doesn't have the internet.

Sandy: Well, what you could do is you could post the newsletter in the building and then tell people if they would like a hard copy mailed to them, then call the clubhouse and leave a message and that way it is easier to try to mail a form in or something like that. If we've got people who aren't reading their newsletter, you are not going to read the little blip that says—

Pam: I don't think people should have to opt in if they are already getting it.

Tina: You think they should opt out--

Pam: Yes

Tina: To not get it.

Pam: Yes, right now it is the only form of communication you've got.

Sandy: But if you post it up at the mailboxes, people will see it.

Pam: But not everybody goes to the mailbox.

Tina: See, I don't go to the mailbox shelter. I think right now we should try the opting out and see how many people get out of it. And I'll tell you my reasoning behind it, and that is, and I have explained this to Sandy, when you are at a Homeowner's meeting and in the past, we have had so many homeowners going, "We are not getting enough information. You are not giving us enough information." And I know Pam and I had decided that we were going to change that feeling between the homeowners and the Board of Directors where the homeowners felt that the Board of Directors were hiding things, that we were not getting out enough information. Of course, years ago I used to say, "Well, come to the meetings." But, right now, I believe that I really do want to make sure that if someone says, "You are not giving me enough information," I can stand there and say, "We mail you documentation every month to remind you that we are still here. We send you a newsletter every month letting you know when the next event is— when the next Board meeting is going to be, when the next Homeowner's meeting is going to be.

Pam: And don't forget, at the budget meeting, I think you and Steve had a little discussion about the portion he is trying to do for community input like things for sale and I think he was still hoping that that would maybe take off and become—

Tina: Well, I can't force people to read it but what I can do is make sure that this community knows that I am trying my best to get the information to their doorstep every month. I'm not asking them to go online. I'm not asking them to pull it up. They are not going to pawneehillshoa.org and look up the newsletter.

Brian: What was the feeling you got from everybody when you were talking about it—

Pam: I thought we decided at the budget meeting to send it out monthly—

Tina: Well, at the budget meeting, Steve Hamblin had—I'm glad you reminded me. Steve Hamblin had a good point regarding the community section. Is that he thought that it would start to take off and the community would put more stuff in there if they actually saw something happening every month.

Pam: Kind of catch on.

Tina: Rather than doing a quarterly newsletter that we still do a monthly newsletter and I will be honest with you. This is just me and, I mean, everybody has their own way of dealing with—I just read things better if it comes in the mail and I open it up and I have a hard copy, I read it. If it comes across my e-mail, I just delete it. I don't have time. I've got other things I would rather do. If I get it in the mail, I have a chance to sit down with my pile of mail and I open it up and I actually read the stuff. That's me. But I want to make sure is that we are taking care of the whole community. Maybe in January we ask the community. That is a good place for us to ask.

Brian: The meeting would be a good time.

Tina: But what I would like to do is at least finish out this year with a monthly newsletter going out and then when we have our January meeting, to literally say, "Okay, we've got a newsletter issue here. How do you guys want it?" And if I have 60 people here and they say e-mail, I am all over it. Otherwise, I believe that we need to continue to do a monthly newsletter.

Nominating Committee: Pam Schultz. No report.

Tina: I put together a draft of the annual meeting notice cover letter, the agenda and the proxy and I dated the letter December 10th, I will send this out to the Board and have them approve this, but this has got to get out to the community as soon as possible. We don't have time to meet as a board one more time to get this thing blessed for it to go out the door so this is going to be one of those things where I am going to e-mail to everybody. Sandy at Elizabeth Business Center will work on it the first week in December and get it out about or around December 10th so we don't run into Christmas cards and all the rest of the holiday mail. It basically says in the cover letter that the Pawnee Hills Community Association's Annual Meeting will be held on Saturday, January 26th, etc. And then I have here, "Attached you will find an agenda, a general proxy, and a copy of the approved 2008 budget" so that every homeowner will get a copy of the approved budget. And then we have three open Board positions that we will be voting on to fill at this meeting. There is no other issue up for vote. Homeowners interested in the open Board positions are, and then I have a list. What I am asking Pam to do is to call these people that are on this list and that are interested and find out if they still are interested and if they are not they get taken off and then that is what is going to go out to notify everybody of the meeting.

Pam: Did you actually make a list yet?

Tina: Yeah. It is right here and in fact you can have this if you want.

Pam: Just show me the list and make sure I have everybody—

Tina: And then here is the agenda and I will e-mail it also, and the proxy which is just a general proxy, and then the actual ballot but the ballot doesn't go out. This is just what we have then to print up. I will have her print up so that we have it right before the meeting. And again, this will change. The names will change with whatever Pam finds out from the people that said they were interested in the positions. And again, someone can say, "Yeah, I want to be on the Board" and that day not even show up. Or, we have nominations from the floor and we write those down.

Brian: I e-mailed everyone for the members to vote on the amendment to the bylaws regarding dispute resolution, you know the one I sent out about three months ago I think.

Tina: Oh, that was a resolution, right?

Brian: It was not a resolution. It was an amendment.

Tina: Amendment to the bylaws?

Brian: It would be a bylaw change. So, I am thinking that not everybody was real wild about it so it just kind of died because nobody said anything about it.

Tina: I wasn't real wild about it, no.

Brian: Why?

Tina: Because I think what we have is good and—

Brian: Do you think we have a good resolution?

Tina: I think what we have in the resolution for dispute, ADR, is just exactly what I want.

Brian: Well, that's for, I mean—

Tina: The ADR covers everything that I need it to cover for them.

Pam: Briefly what was this about?

Brian: Basically what it does is it gives the Board members a chance to listen to a homeowner after they have been found—after they have been charged with a violation of the bylaws—I'm sorry the covenants. After they have been charged that they can come to the Board in a meeting and state their case and the Board at that point, five Board members can sift through the whole thing, see if—and it says not monetarily. It can be what can the Board do, you know, to help you basically kind of thing. Basically you just send it out for a vote of the members in a mailing. Look, this homeowner wants to do this and then if no one reacts at that point, then it goes to the attorneys. Everything doesn't have to go through. I mean, the Board can send it right to the attorney.

Pam: Was that only for covenant violations?

Brian: That was only for covenant violations. I mean, the homeowners can't—

Pam: I mean, we have kind of done that informally without being written in the past with two donkeys.

Tina: With the donkeys and with the German shepherd dogs.

Pam: Yeah, I mean—

Tina: We have done that. If a homeowner requests a meeting with the Board, the Board meets with them.

Brian: Um-hmm.

Pam: Tries to resolve it.

Brian: But the bylaws right now tell them what they have to do, I mean, the bylaws say you are going to court—

Tina: No. The bylaws say that we uphold the covenant—

Brian: That is what our bylaws say right now, either fixes it or you are going to court. That's what they say.

Pam: What does the ADR say?

Tina: In the event of any dispute involving the Association and an Owner, the Owner is invited and encouraged to meet with the Board of Directors to resolve the dispute informally and without the need for litigation. If the Owner requests to meet with the Board, the Board shall make a reasonable effort to comply with the Owner's request. Nothing in this policy shall be construed to require any specific form of alternative dispute resolution such as mediation, arbitration, or require the parties to meet. Neither the Association nor the owner waives any rights to pursue whatever legal or other remedial actions available to either party.

Brian: It says you have to take it outside of Pawnee Hills. Right away, you have to take it—

Pam: No.

Tina: No. That's not what it says. It says that the owner can meet with the Board of Directors.

Brian: Yes, but the Board of Directors can't do anything with it.

Tina: Yes we can, we can try to resolve the dispute—

Brian: The Board—

Tina: Informally without the need for litigation.

Brian: Can what? I'm sorry.

Tina: The Board of Directors can resolve the dispute informally and without the need for litigation.

Brian: Okay.

Tina: So the homeowner can come here, and has in the past. Know that this has been happening long before we did all of this paperwork.

Brian: Right.

Tina: Homeowner comes in and says, "I've got seven horses." And we don't go, "it is against the covenants and off to jail you go." No, we say to them what do you propose to do to remedy this? They have said "Can you help us out? Can you give me three months to get rid of some horses?" And we say, "Absolutely, we will give you three months." We have extended the time on horses, we have extended the donkey time frame. We have always, always, always worked with the homeowner to deal with that. The goat situation, we worked with them four times. Understand that there has never been a time that I have been on the Board that a homeowner has come to this Board and asked for something that we have not given them an extension, given them a chance—but we can't allow a donkey to be here and we can't allow anything that goes against our covenants.

Brian: Right, okay, so—

Pam: I don't think it can be in conflict with the ADR. I mean, we have an ADR in place. You need to make sure that it correlates with that or that you change that. Are you proposing to remove it from the ADR?

Brian: Um, I don't think that is my—it probably—that is not the intent. If you read it, there is—it is kind of partial to an ADR. It is the same type of thing. It is in there. I think—I haven't even read it in a while.

Tina: I have had the ACC policy and procedure for over a year now and I can't get one Board member to look at it. We already have the ADR in place and energy needs to be put into the ACC policy right now.

Brian: Right.

Tina: That's got to get done. This is like high priority for me and I can't get one Board member to look at it.

Brian: Well, I will give you due attention.

Tina: Do we think we can go ahead and approve the 2008 budget? It was what we discussed when we created the budget and then Sandy sent it out to everyone asking for any changes and got nothing back.

Brian: So if everyone who is not here is okay with it, I am okay with it as well.

Tina: I'm okay and Sandy did send it out and we didn't get anything back so I'd say we just go ahead and make a motion to approve the 2008 budget. Do I have a second?

Brian: Second.

Motion passed.

Tina: I'm not even going to bring this part up because I don't know what people feel on this. I was going to vote to raise the maximum allowable by 5% by going from 45.83 to \$48.12 effective January 1 of 2008 but I will hold that until next month.

Brian: That would be good.

Tina: The resolution revision to the policy and procedure for collection of unpaid assessments, we at the last meeting had decided effective January 1 that we would make our due date change from the 15th to the 1st to match all accounting practices. If you look at our resolution, we can make that change so that the effective date of this resolution is actually January 1 of 2006 but that we revised it on and then we pick whatever date so if it is next month, at our next meeting we would do that and then we would say "revised on" December, whatever next Board meeting is and then revisions become effective January 2008. Because what I want to do is make sure that we revise our Rules and Regs and try to get them out to the community so that they understand that we changed it from the 15th to the 1st or we just write in the newsletter effective this date we are making this change and this is what we changed. And we also agreed at the budget meeting that the late charges from PHCA would be \$2.50 as opposed to \$10.00.

Open Forum:

Nothing.

Tina: I am handing Brian Cook the State of Colorado Secretary of State annual report due date notice for Pawnee Hills Community Association at this Board meeting and he has indicated to me that he will complete the report and send it in.

Brian: And I will do it.

Motion was made to adjourn the meeting. Motion was passed. Meeting adjourned at 8:12 p.m.

Respectfully submitted.

Tina O'Bryan