

# **HIGH PINES OWNERS' ASSOCIATION, INC.**

## **BOD MEETING**

**July 30, 2012**

### **I. Call to Order**

- Meeting called to order at 7:30 PM at 20272 Kenneth Lainer Dr.

### **II. Attendees**

- Bob Linza, President
- Joe Berube, Vice President
- Chris Taylor, Treasurer
- Bonnie Sepelak, Secretary

### **III. Old Business**

- Approve meeting minutes from June 4, 2012 BOD meeting
  - ❖ Board approved
- All – Review filed covenants to determine what changes were made between the two filings (reception #'s 202130491 & 202130493)
  - ❖ Bonnie reported that the difference between the two receptions is that Reception # 202130491 is for High Pines and 202130493 is for Patio Homes
- Joe – work with Home Owners Association for Heights on drainage area clean up.
  - ❖ The board agreed that this item is tabled as it does not appear to be an ongoing issue
- Joe – HOA club/coordination with neighboring HOAs – next NEPCO meeting
  - ❖ This item is complete, information resides on HOA website
- Bob – Finalize letter to homeowner's
  - ❖ Completed
- Bonnie – mail letters to all home/property owners
  - ❖ Completed
- Carrie – Get receipt for HOA improvements to Melanie Ann Ct drainage
  - ❖ Reference: New Business (receipts still not provided) – board frustrated that we have asked for this information for several months and Carrie Johnson has failed to provide it.
- Bonnie – Certified letter to Mr. Roach
  - ❖ Certified letter sent, received on July 5, 2012, have not received response from Mr. Roach – Board unclear on precisely what arrangements, in writing, the HOA has with Mr. Roach on current and past fence or landscaping permissions or approvals.

- Chris – HOA website
  - ❖ Website is live – still some file uploads and populating required.
- Bob – Create reserve study
  - ❖ No progress – accepted action to develop a draft by August 23, 2012

#### IV. **New Business**

- Treasurer Report
  - ❖ Checking Balance = \$22726.83
  - ❖ Savings Balance = \$2703.12
- New HPOA website
  - ❖ The Board made recommendations for the website, including:
    - Add county contacts that we have learned, accountant, attorney, bank, architectural committee
    - Should insurance certificate be included on website or would it be a liability, follow up with attorney.
- Architectural Control Committee nominations, action and guidance
  - ❖ The Board received requests from Matt Beverly and Bob McDonald to be considered for positions on the committee
  - ❖ The Board unanimously agreed that Matt and Bob are good candidates and have named them to the committee along with the Board President, Bob Linza
- H.B. 12-1237, Chapter 232 and record keeping requirements - NEPCO attorney comments
  - ❖ The board reviewed the above mentioned law and made the following record keeping assignments
    - ◇ Reference Appendix A
    - ◇ Chris will maintain records pertaining to finances
    - ◇ Bonnie will maintain all other records
- HPOA Business Manager position termination
  - ❖ Bob distributed a draft letter to board members for review
  - ❖ Board reviewed and provided feedback
  - ❖ Letter to Carrie should be sent certified mail
  - ❖ Board consensus was that essential functions transferred to other board members, willing to take on duties, obviates the on-going need for a paid business manager.
- Nominating committee for 2013
  - ❖ Joe volunteered to be the board rep for the 2013 nominating committee

- ❖ Joe will talk to Ron & Mary Scott about being on the committee
- Landscaping maintenance - Joe is asking for board approval for the following items:
  - ❖ Trees on county line road need to be treated due to disease
  - ❖ Weed control on county line road
  - ❖ Tree trimming on Piney Hill Point
    - ◇ Board agreed that if the fees are reasonable to proceed with maintenance
    - ◇ Monument signs still pending additional bids and consideration
- General membership meetings – periodicity/bi-monthly
  - ❖ HPHOA covenants specify annual general membership meeting
- Discussed two person rule for check writing
  - ❖ Chris does not write checks, he uses automation
  - ❖ Chris will get Bonnie access to review accounts
- Block Party will be tabled for this year. Board will look into having a block party every other year.
- Joe received call from Lavonne Carver with the following complaints
  - ❖ Street baseball game and associated noise
  - ❖ Ball coming into her yard
  - ❖ Subletting houses
  - ❖ Barbara Martin's house not being landscaped:
    - ◇ Board will forward this information to the architectural committee for follow up on landscaping
    - ◇ Other items were not violating any covenants, the time of game was not during quiet times
    - ◇ Joe also recognized that Rick Hitzeman needs to move trailer next to house, it has been sitting there all summer and violates covenants
- Two houses have sold and the board has not received any HOA dues
  - ❖ Were these included in the closing, if so, where did fees go?
  - ❖ Joe to follow up with John A Berube (20397 Kenneth Lainer Dr) to find out if the dues were included on statement

#### **IV. Action Items**

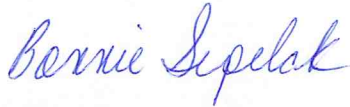
- Bob – draft reserve study by 08/23/2012
- Bonnie & Chris exchange homeowners addresses to reconcile and create a single master list for the HOA

- Bob – edit letter to Business Manager and send certified mail
- Bob – follow up with Bob McDonald and Matt Beverly to set up meeting for architectural committee
- Chris – file annual report to Secretary of State (due in September) and add to website
- Chris – get Bonnie access to bank accounts
- Joe – follow up with John Berube to determine if HOA fees were included in his closing statement
  - ❖ If yes, follow up to find out where fees were sent

#### **V. Future Meetings**

- **NEPCO – 09/08/12**
- **BOD meeting – 09/13/12 @ 6:30 PM – Bob Linza's -20220 High Pines Dr**
- **General Membership meeting – last Monday in January 2013, per bylaws**

**Bonnie Sepelak**



**HPHOA Secretary**

*July 30, 2012 BOD Meeting*  
*Appendix A*



# An Act

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HOUSE BILL 12-1237

BY REPRESENTATIVE(S) Williams A., Bradford, Court, Duran, Fields, Holbert, Kerr A., Kerr J., Labuda, Ramirez, Schafer S., Todd, Tyler, Wilson, Casso, Coram, Massey, Ryden, Vigil;  
also SENATOR(S) Harvey, Jahn, Newell, Steadman.

CONCERNING THE RECORDS KEPT BY THE UNIT OWNERS' ASSOCIATION OF A  
COMMON INTEREST COMMUNITY.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **repeal and reenact, with amendments**, 38-33.3-317 as follows:

**38-33.3-317. Association records.** (1) IN ADDITION TO ANY RECORDS SPECIFICALLY DEFINED IN THE ASSOCIATION'S DECLARATION OR BYLAWS OR EXPRESSLY REQUIRED BY SECTION 38-33.3-209.4 (2), THE ASSOCIATION MUST MAINTAIN THE FOLLOWING, ALL OF WHICH SHALL BE DEEMED TO BE THE SOLE RECORDS OF THE ASSOCIATION FOR PURPOSES OF DOCUMENT RETENTION AND PRODUCTION TO OWNERS:

(a) DETAILED RECORDS OF RECEIPTS AND EXPENDITURES AFFECTING THE OPERATION AND ADMINISTRATION OF THE ASSOCIATION;

(b) RECORDS OF CLAIMS FOR CONSTRUCTION DEFECTS AND AMOUNTS RECEIVED PURSUANT TO SETTLEMENT OF THOSE CLAIMS;

(c) MINUTES OF ALL MEETINGS OF ITS UNIT OWNERS AND EXECUTIVE BOARD, A RECORD OF ALL ACTIONS TAKEN BY THE UNIT OWNERS OR EXECUTIVE BOARD WITHOUT A MEETING, AND A RECORD OF ALL ACTIONS TAKEN BY ANY COMMITTEE OF THE EXECUTIVE BOARD;

(d) WRITTEN COMMUNICATIONS AMONG, AND THE VOTES CAST BY, EXECUTIVE BOARD MEMBERS THAT ARE:

(I) DIRECTLY RELATED TO AN ACTION TAKEN BY THE BOARD WITHOUT A MEETING PURSUANT TO SECTION 7-128-202, C.R.S.; OR

(II) DIRECTLY RELATED TO AN ACTION TAKEN BY THE BOARD WITHOUT A MEETING PURSUANT TO THE ASSOCIATION'S BYLAWS;

(e) THE NAMES OF UNIT OWNERS IN A FORM THAT PERMITS PREPARATION OF A LIST OF THE NAMES OF ALL UNIT OWNERS AND THE PHYSICAL MAILING ADDRESSES AT WHICH THE ASSOCIATION COMMUNICATES WITH THEM, SHOWING THE NUMBER OF VOTES EACH UNIT OWNER IS ENTITLED TO VOTE; EXCEPT THAT THIS PARAGRAPH (e) DOES NOT APPLY TO A UNIT, OR THE OWNER THEREOF, IF THE UNIT IS A TIME-SHARE UNIT, AS DEFINED IN SECTION 38-33-110 (7);

(f) ITS CURRENT DECLARATION, COVENANTS, BYLAWS, ARTICLES OF INCORPORATION, IF IT IS A CORPORATION, OR THE CORRESPONDING ORGANIZATIONAL DOCUMENTS IF IT IS ANOTHER FORM OF ENTITY, RULES AND REGULATIONS, RESPONSIBLE GOVERNANCE POLICIES ADOPTED PURSUANT TO SECTION 38-33.3-209.5, AND OTHER POLICIES ADOPTED BY THE EXECUTIVE BOARD;

(g) FINANCIAL STATEMENTS AS DESCRIBED IN SECTION 7-136-106, C.R.S., FOR THE PAST THREE YEARS AND TAX RETURNS OF THE ASSOCIATION FOR THE PAST SEVEN YEARS, TO THE EXTENT AVAILABLE;

(h) A LIST OF THE NAMES, ELECTRONIC MAIL ADDRESSES, AND PHYSICAL MAILING ADDRESSES OF ITS CURRENT EXECUTIVE BOARD MEMBERS AND OFFICERS;

(i) ITS MOST RECENT ANNUAL REPORT DELIVERED TO THE SECRETARY OF STATE, IF ANY;

(j) FINANCIAL RECORDS SUFFICIENTLY DETAILED TO ENABLE THE ASSOCIATION TO COMPLY WITH SECTION 38-33.3-316 (8) CONCERNING STATEMENTS OF UNPAID ASSESSMENTS;

(k) THE ASSOCIATION'S MOST RECENT RESERVE STUDY, IF ANY;

(l) CURRENT WRITTEN CONTRACTS TO WHICH THE ASSOCIATION IS A PARTY AND CONTRACTS FOR WORK PERFORMED FOR THE ASSOCIATION WITHIN THE IMMEDIATELY PRECEDING TWO YEARS;

(m) RECORDS OF EXECUTIVE BOARD OR COMMITTEE ACTIONS TO APPROVE OR DENY ANY REQUESTS FOR DESIGN OR ARCHITECTURAL APPROVAL FROM UNIT OWNERS;

(n) BALLOTS, PROXIES, AND OTHER RECORDS RELATED TO VOTING BY UNIT OWNERS FOR ONE YEAR AFTER THE ELECTION, ACTION, OR VOTE TO WHICH THEY RELATE;

(o) RESOLUTIONS ADOPTED BY ITS BOARD OF DIRECTORS RELATING TO THE CHARACTERISTICS, QUALIFICATIONS, RIGHTS, LIMITATIONS, AND OBLIGATIONS OF MEMBERS OR ANY CLASS OR CATEGORY OF MEMBERS; AND

(p) ALL WRITTEN COMMUNICATIONS WITHIN THE PAST THREE YEARS TO ALL UNIT OWNERS GENERALLY AS UNIT OWNERS.

(2)(a) SUBJECT TO SUBSECTIONS (3), (3.5), AND (4) OF THIS SECTION, ALL RECORDS MAINTAINED BY THE ASSOCIATION MUST BE AVAILABLE FOR EXAMINATION AND COPYING BY A UNIT OWNER OR THE OWNER'S AUTHORIZED AGENT. THE ASSOCIATION MAY REQUIRE UNIT OWNERS TO SUBMIT A WRITTEN REQUEST, DESCRIBING WITH REASONABLE PARTICULARITY THE RECORDS SOUGHT, AT LEAST TEN DAYS PRIOR TO INSPECTION OR PRODUCTION OF THE DOCUMENTS, AND MAY LIMIT EXAMINATION AND COPYING TIMES TO NORMAL BUSINESS HOURS OR THE NEXT REGULARLY SCHEDULED EXECUTIVE BOARD MEETING IF THE MEETING OCCURS WITHIN THIRTY DAYS AFTER THE REQUEST. NOTWITHSTANDING ANY PROVISION OF THE DECLARATION, BYLAWS, ARTICLES, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE CONTRARY, THE ASSOCIATION



MAY NOT CONDITION THE PRODUCTION OF RECORDS UPON THE STATEMENT OF A PROPER PURPOSE.

(b) (I) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (2), A MEMBERSHIP LIST OR ANY PART THEREOF MAY NOT BE OBTAINED OR USED BY ANY PERSON FOR ANY PURPOSE UNRELATED TO A UNIT OWNER'S INTEREST AS A UNIT OWNER WITHOUT CONSENT OF THE EXECUTIVE BOARD.

(II) WITHOUT LIMITING THE GENERALITY OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), WITHOUT THE CONSENT OF THE EXECUTIVE BOARD, A MEMBERSHIP LIST OR ANY PART THEREOF MAY NOT BE:

(A) USED TO SOLICIT MONEY OR PROPERTY UNLESS SUCH MONEY OR PROPERTY WILL BE USED SOLELY TO SOLICIT THE VOTES OF THE UNIT OWNERS IN AN ELECTION TO BE HELD BY THE ASSOCIATION;

(B) USED FOR ANY COMMERCIAL PURPOSE; OR

(C) SOLD TO OR PURCHASED BY ANY PERSON.

(3) RECORDS MAINTAINED BY AN ASSOCIATION MAY BE WITHHELD FROM INSPECTION AND COPYING TO THE EXTENT THAT THEY ARE OR CONCERN:

(a) ARCHITECTURAL DRAWINGS, PLANS, AND DESIGNS, UNLESS RELEASED UPON THE WRITTEN CONSENT OF THE LEGAL OWNER OF THE DRAWINGS, PLANS, OR DESIGNS;

(b) CONTRACTS, LEASES, BIDS, OR RECORDS RELATED TO TRANSACTIONS TO PURCHASE OR PROVIDE GOODS OR SERVICES THAT ARE CURRENTLY IN OR UNDER NEGOTIATION;

(c) COMMUNICATIONS WITH LEGAL COUNSEL THAT ARE OTHERWISE PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE OR THE ATTORNEY WORK PRODUCT DOCTRINE;

(d) DISCLOSURE OF INFORMATION IN VIOLATION OF LAW;

(e) RECORDS OF AN EXECUTIVE SESSION OF AN EXECUTIVE BOARD;

(f) INDIVIDUAL UNITS OTHER THAN THOSE OF THE REQUESTING OWNER; OR

(g) THE NAMES AND PHYSICAL MAILING ADDRESSES OF UNIT OWNERS IF THE UNIT IS A TIME-SHARE UNIT, AS DEFINED IN SECTION 38-33-110 (7), C.R.S.

(3.5) RECORDS MAINTAINED BY AN ASSOCIATION ARE NOT SUBJECT TO INSPECTION AND COPYING, AND MUST BE WITHHELD, TO THE EXTENT THAT THEY ARE OR CONCERN:

(a) PERSONNEL, SALARY, OR MEDICAL RECORDS RELATING TO SPECIFIC INDIVIDUALS; OR

(b) PERSONAL IDENTIFICATION AND ACCOUNT INFORMATION OF MEMBERS, INCLUDING BANK ACCOUNT INFORMATION, TELEPHONE NUMBERS, ELECTRONIC MAIL ADDRESSES, DRIVER'S LICENSE NUMBERS, AND SOCIAL SECURITY NUMBERS.

(4) THE ASSOCIATION MAY IMPOSE A REASONABLE CHARGE, WHICH MAY BE COLLECTED IN ADVANCE AND MAY COVER THE COSTS OF LABOR AND MATERIAL, FOR COPIES OF ASSOCIATION RECORDS. THE CHARGE MAY NOT EXCEED THE ESTIMATED COST OF PRODUCTION AND REPRODUCTION OF THE RECORDS.

(5) A RIGHT TO COPY RECORDS UNDER THIS SECTION INCLUDES THE RIGHT TO RECEIVE COPIES BY PHOTOCOPYING OR OTHER MEANS, INCLUDING THE RECEIPT OF COPIES THROUGH AN ELECTRONIC TRANSMISSION IF AVAILABLE, UPON REQUEST BY THE UNIT OWNER.

(6) AN ASSOCIATION IS NOT OBLIGATED TO COMPILE OR SYNTHESIZE INFORMATION.

(7) ASSOCIATION RECORDS AND THE INFORMATION CONTAINED WITHIN THOSE RECORDS SHALL NOT BE USED FOR COMMERCIAL PURPOSES.

**SECTION 2.** In Colorado Revised Statutes, 38-35.7-102, **amend** (2) (b) as follows:

**38-35.7-102. Disclosure - common interest community -**

**obligation to pay assessments - requirement for architectural approval.**

(2) (b) Upon request, the seller shall either provide to the buyer or authorize the unit owners' association to provide to the buyer, upon payment of the association's usual fee pursuant to section 38-33.3-317 ~~(3)~~ (4), all of the common interest community's governing documents and financial documents, as listed in the most recent available version of the contract to buy and sell real estate promulgated by the real estate commission as of the date of the contract.

**SECTION 3. Act subject to petition - effective date.** This act takes effect January 1, 2013; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on January 1,

2013, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO