

Village at Monument Homeowners Association

General Board Meeting

Tri-Lakes Chamber of Commerce Building
166 2nd Street
Monument CO

MINUTES from the January 22, 2020 meeting

PRELIMINARIES

A.1 Call to Order at 6:31 pm by President Hilton-Gabeler.

A.2 Roll Call by Carolyn Hodges

President: JoAnne Hilton-Gabeler (present)

Vice President: Carolyn Ihrig (present)

Secretary: Carolyn Hodges (present*)

Treasurer: Daryl Richmond (Excused)

Member at Large: Joe Rubinstein (present)

Member at Large: Carolyn Hodges (*)

Member at Large: Phil Savage (present)

Members per sign in sheet attending were: Laura Kronick, Guenter Ihrig, Tommie Plank, Normadale McLean & Janet Savage.

A.3 President Hilton-Gabeler moved that this agenda be adopted as presented, Phil Savage seconded and the motion passed unanimously.

CONSENT ITEMS

B.1 **Consent Agenda:** President Hilton-Gabeler explained the purpose & execution of the Consent **Agenda and its Items**.

B.2 **Approval of Minutes:** President Hilton-Gabeler moved and Phil Savage seconded that the Minutes of November 14, 2019 (General Meeting and Election) as prepared by Paul Baerman, be approved as submitted. Motion was carried unanimously.

DISCUSSION ITEMS (Non-Action)

C.1 **Board member resignation:** Board member, Paul Baerman's resignation dated December 13, 2019, was unanimously accepted by the Board.

C.2 **Transfer and appointment of officer:** President Hilton-Gabeler moved & Phil Savage seconded that the transfer and appointment of the office of Secretary be made to Carolyn Hodges for 2020, leaving one MAL position open.

C.3 **Future resignation:** There was discussion regarding the future move of Daryl Richmond from the Village leaving the Treasurer position open and transfer of the Office upon the resignation of Daryl Richmond.

C.4 Appointment of Board Committees

C.4.1 Grounds, Landscaping and Snow Removal Committee

President Hilton-Gabeler moved, Carolyn Hodges seconded, and it was unanimously approved that the Committee be formed and the following members be assigned

Carolyn Ihrig (Board) (Chair)
Guenter Ihrig (Owner)
Erby Youngblood (Owner)

C.4.2 Finance, Budget and Oversight Committee

President Hilton-Gabeler moved, Joe Rubinstein seconded, and it was unanimously approved that the Committee be formed and the following members be assigned

Joe Rubinstein (Board)
Daryl Richmond (Advisor to the Committee)
Carolyn Ihrig (Chair)(Board)
Laura Kronick (Owner)
Tommie Plank (Owner)
1-2 volunteers TBD

C.4.3 Website Committee - President Hilton-Gabeler moved, Carolyn Hodges seconded, and it was unanimously approved that the Committee be formed and the following members be assigned

Joe Rubinstein (Webmaster)(Board)(Chair)
Phil Savage (Board)

C.4.4 Architectural Committee

President Hilton-Gabeler moved, Joe Rubinstein seconded, and it was unanimously approved that the Committee be formed and the following members be assigned

Phil Savage (Board) (Chair)
2-3 Owner Volunteers

C.5 Website updating, editing and remodeling

Joe Rubinstein recently updated the Website and the new look was praised by meeting attendees and Board members.

C.6 Camarco court case and possible restitution \$\$\$

Submitted background information on the Sonya Camarco case(s) (by Carolyn Ihrig)

Sonya Timeline:

- August, 2017 – Sonya resigned, and subsequently we discovered her theft from our HOA.
- The HOA was contacted and included in the State lawsuit against Sonya for approximately \$1.8 M.
- Prior to sentencing, Sonya accepted a Plea Bargain wherein she agreed to pay full restitution to her victims. VAMHOA is due \$38,500 in restitution.
- On September 21, 2018, Sonya appeared in front of the Judge for sentencing.
- Sonya was convicted of Filing a False Tax Return; Securities Fraud or Deceit; and Theft.
- Sonya was sentenced to 20 years in the State prison with a mandatory parole to follow.
- The HOA was never told that it was our responsibility to collect the restitution. When we didn't receive any correspondence from the Court, we felt the need to start tracing it.
- In the fall of 2019, Carolyn Ihrig agreed follow up with the Court.
- Several attempts were made to contact the Restitution Department. Messages were left by Carolyn Ihrig and one by Daryl Richmond.
- As of this date, our calls and messages have not been returned.
- Carolyn Ihrig has recently spoken to our lawyer, and will continue to pursue this matter.

NOTE: Carolyn Ihrig is now working with the HOA attorney and the appropriate court system to claim our remedy. The statute of limitations is closing on this claim for relief, and if we plan to file in civil court against Ms. Camarco's assets, the Board must move quickly.

After discussions with our attorney, the Board will make decisions about the feasibility of any HOA legal action against Ms. Camarco at this time (2020).

C.7 Filing tax returns for the HOA past and present

Tax returns were required for some past years of the HOA operation. The HOA is not a purely tax exempt organization and some back tax returns have been recently resolved and filed for some years by the Treasurer (Daryl Richmond). Further resolution may be needed in the future, especially if we do receive any Camarco restitution funds.

Submitted background information about the VAMHOA tax and organizational status
(by Daryl Richmond)

"The Village at Monument Homeowners Association is a Colorado nonprofit corporation. That means the Association will operate as a nonprofit corporation as authorized by Colorado law. "Nonprofit" basically means that no individual or individuals will receive a profit from the operation of the association. In our case that means no owner should receive any benefit that is not authorized by the governing/operating documents.

Our HOA is NOT a 501(c)(3) corporation. Corporations with that designation have requested it from the IRS. To get the 501(c)(3) designation the organization must provide a public benefit, not just benefit those who fund its operation.

Our Association is designated as a Section 528 corporation. Section 528 was created for associations that oversee the use and care of a section of real estate that contains homes that the association is responsible to take some care of. Our HOA is not a federal (or state) tax-exempt organization. However, the assessments collected by the association are tax-exempt as long as they meet certain conditions which, in normal operation, should not be a problem. Our federal tax return goes on a Form 1120-H. We should also file a Colorado corporate tax return... It is the standard corporate tax return, as far as I know."

C.8 Reserve Study

President Hilton-Gabeler explained the need and purpose for a reserve study. This study (the cost for which has already been approved and allotted) will be a valuable tool in creating, for the first time, a Governing Documents "Maintenance Rule" (Exhibit I in the Rules) and an Insurance Claim Policy Rule. Hopefully we will have depreciation information and maintenance responsibility decisions to help the Board make even handed, equitable decisions about maintenance and repairs within the Village.

C.9 Maintenance Rule Committee

President Hilton-Gabeler explained the need and purpose for the Maintenance Rule creation. This is a top priority so that all units understand clearly HOA vs. homeowner responsibilities. President Hilton-Gabeler stated the anticipated goal of June, 2020, to complete this task.

President Hilton-Gabeler moved, Carolyn Hodges seconded, and it was unanimously approved that the Committee be former and the following members be assigned

Normadale McLean (Owner)
JoAnne Hilton-Gabeler (Board) (Chair)
Phil Savage (Board)
Volunteers TBD

C.10 Insurance Claim Policy/Rule (RRPP)

President Hilton-Gabeler explained the need and purpose for an Insurance Claim Policy/Rule and that it be included in a packet for new owners, along with other

Governing Documents). It should be noted that the West side units have different insurance requirements from the East side.

President Hilton-Gabeler moved, Carolyn Hodges seconded, and it was unanimously approved that the Committee be formed and the following members be assigned.

Carolyn Ihrig (Board)(Chair)
Pat Hammond (Owner)
Phil Savage (Board)

C.11 Clarification of the Proxy process/types of and parameters for proxy use

President Hilton-Gabeler will ask the Nomination/Election Committee to please take on the task of clarifying the election process, especially the use and kinds of proxies- and look into the legality, appropriateness of mail-in secret ballots versus proxies. We need to clarify unit proxies as units have only one vote. Perhaps the election rules needs to be simplified.

C.12 Board Member Code of Conduct: signed and recorded copies

To be completed by all Board members and returned to Carolyn Hodges for recording.

C.13 Use of meeting sign in sheets: written into record

Names of all attendees will be included in the minutes for each meeting. Attendance by Board members is recorded through the meeting Roll Call.

C.14 Need for a Social Committee:

Discussion was held about different activities such as: progressive dinner, street party, etc. during good weather months. We need to form a Social Committee and the Board is asking for volunteers.

C.15 The HOA Directory

President Hilton-Gabeler will maintain the Directory that will contain only owner information sanctioned by the owners themselves.

C.16 AMFAM Satisfaction Survey (Kronick v HOA) and Settlement Agreement

Phil Savage volunteered to complete the AMFAM Satisfaction Survey. Carolyn Ihrig spoke with our attorney who suggested that we may have a case against AMFAM for lack of a "Fiduciary" Policy.

C.17 Seller home repairs review

President Hilton-Gabeler reported that Daryl Richmond has flower box and pillar separation issues that need attention before selling his unit. President Hilton-Gabeler will look into the responsibility and management of the HOA regarding these issues.

C.18 ENT bank signatory changes

The Board debit card will be canceled in favor of a credit card account. New signers will be added to the ENT account(s). JoAnne Hilton-Gabeler will be added.

C.19 Registered Agent

will be changed immediately from Daryl Richmond to Carolyn Ihrig.

C.20 Gutter/Downspout cleaning

Phil Savage reported that he has obtained two bids. The lowest of which was \$780/West Side and a bid of \$65/unit on the East Side (to be paid by the individual owners if the opt in). This is the same company that did the work last year. The timing of this is ASAP, weather permitting. As an aside, Phil reported that the downspouts were directed straight into the ground when the units were constructed.

C.21 Drainage work proposal (East Side)

The extreme Southeast corner of the Village (along the driveway) has a drainage issue that needs to be fixed. Guenter and Carolyn Ihrig will contact METCO for suggestions about correcting the problem. The Town will also be contacted by JoAnne Hilton-Gabeler for discussion about whether the storm drain is or should be involved. The Campbell homes to the South may or may not be involved with this issue.

C.22 METCO “snow piles”

Discussion was held regarding the best place to put the excessive amount of snow. Putting it against the Campbell Homes Southeast fence creates a possible liability for METCO, our landscape contractor. The Board will be working with METCO to determine a more appropriate place for snow “storage”.

C.23 MVEA meter upgrade visits (see <http://www.mvea.coop/meterupgrade>) -

Discussion was held regarding a postcard in our MVEA mail about the meter upgrades to be done in the near future and the need for access to the meters. The location of our meters is uncertain and needs to be determined individually. Planned visitations by MVEA will most likely occur in 2020, and MVEA will send you a notice when they plan to visit. Please check the website, noted above.

C.24 Board vote to approve and accept the Proposed Budget for 2020

President Hilton-Gabeler moved, Phil Savage seconded, and the Proposed Budget for 2020 was unanimously approved (unfinished business from November 14, 2019).

C.25 New landscape contract (2020-2021)

President Hilton-Gabeler moved, Carolyn Ihrig seconded, and the **TWO YEAR** landscape maintenance agreement was unanimously approved. The cost for 2020 is \$21,992 and for 2021 is \$22,648.

We are signing a two-year contract to keep increases to a minimum. Our attorney reviewed the contract and made suggestions regarding fuel surcharges. Upon the suggestion of our attorney regarding fuel charges on previous contracts with METCO, the verbiage on the current contract was changed to state: If the cost of fuel (regular, unleaded) exceeds \$4.00 per gallon in the Monument area, a 2% surcharge will be applied to all invoices.

We requested that no Roundup be used on our property. The lawn area will be fertilized once per year. The area square footage needs to be measured to assure accurate charges.

Guenter Ihrig saved the HOA \$6,000 in water charges by the all the work he did as a volunteer on the irrigation system.

D.1 Treasurer's Report (End of Year 2019)

The report was presented by Carolyn Hodges and Carolyn Ihrig for Treasurer Daryl Richmond (excused from this meeting) and the reports appear as attachments to these minutes.

COMMITTEE REPORTS (Non Action)

There were no Committee Reports at this meeting.

MODIFICATION OF THE AGENDA

E.1 The agenda was not modified "in meeting".__

ACTION ITEMS

F.1 Board vote to accept the resignation of Paul Baerman.

Unanimous vote.

F.2 Board vote on transfer of the office of Secretary to Carolyn Hodges for 2020

Unanimous vote.

F.3 Board votes to appoint the Finance Committee, the Grounds Committee and the Website Committee

Unanimous vote.

F.4 Board Vote: Reserve study: hiring of professional and start date

Vote delayed to Feb 6, 2020 meeting.

F.5 Board Appointment vote for Maintenance Rule Committee

Unanimous vote.

F.6 Board Appointment vote for Insurance Claim Policy Committee

Unanimous vote.

F.7 Board Acceptance and approval of Treasurer's Report End of Year 2019 - President Hilton-Gabeler moved, Carolyn Ihrig seconded, and the Treasurer's Report (End of Year 2019) was accepted and approved.

F.8 Board Vote on new landscape contract (2020-2021)

Unanimous vote.

FUTURE AGENDA ITEMS

H.1 Discussion regarding President Hilton-Gabeler’s recommendation that Financials be put on the website.

At this time there is no move to make a separate section on the website for Financials. All financial reports will appear as attachments to the minutes of the meeting where they were presented to the Board.

President Hilton-Gabeler moved, Carolyn Hodges seconded, and it was unanimously approved that the Next Scheduled Meetings of the VAMHOA be as follows:

February 6, 2020 Thursday
March 25, 2020 Wednesday
April 22, 2020 Wednesday
May 13, 2020 Wednesday
June 10, 2020 Wednesday
July 15, 2020 Wednesday
August 12, 2020 Wednesday
September 9, 2020 Wednesday
October 14, 2020 Wednesday
November 11, 2020 Wednesday
December 9, 2020 Wednesday

ADJOURNMENT

Joe Rubinstein moved, JoAnne Hilton-Gabeler seconded, and it was unanimously approved that the General Board Meeting of the VAMHOA be adjourned at 8:42 p.m.

Respectfully Submitted,
Carolyn Hodges
Secretary