

Loma Vista HOA
Meeting Minutes
March 31, 2020

Roll Call at 8:04 pm via Zoom App (because of Social Distancing)

Ryan Evans- Present
Travis Scharmann- Present
Laura Burdine- Present
Rebecca Bracken- Present
David Gibby- Present

CCR Compliance Committee

The intent of this evening meeting is to: Outline the responsibilities of the Compliance Committee

Ryan Evans: We officially only had 3 people apply for the committee? I apologize, I heard about 2/3 of the call because of the noise last time and I didn't have a very good connection. I just want to make sure I got everything right.

Rebecca Bracken: Yes we had 3 applicants: Leland Roberts, Kevin Hanse, and Robert Lerma were the three applications we received. Well we didn't officially receive an application from Robert Lerma, just an email and it was accepted.

David Gibby: For just three people it is pretty well rounded. Kevin Hansen really had to go the extra mile for compliance. We (a previous Board) made him take out his fence posts. So I think it's good to have these different perspectives.

Rebecca Bracken: It is close to our goal of a 70% compliant and 30% not yet compliant, with 2 committee members compliant and 1 working towards compliance. We also discussed in the previous meeting that doing nothing about compliance is not an option. That was agreeable. Let's talk about what the responsibilities shall be.

Laura Burdine: First and foremost, reviewing the CCRs and Bylaws to kind of get a clear picture of what is supposed to be happening in our subdivision.

David Gibby: I agree.

Rebecca Bracken: That is a great place to start.

Ryan Evans: I think we need to mention to them as well, that Utah code is applicable where there would be conflict.

Rebecca Bracken: Do you think we currently have any conflicts?

Ryan Evans: No. But there may be proposals or suggestions that may be so I want the three of them to be aware there is one and it may trump some of the rules and regulations they may propose.

Rebecca Bracken: It is very specific, a section specific to fines and the process that must happen.

David Gibby: I agree with Ryan that they need to have an understanding, so the recommendations put forward are viable. The committee is just making recommendations. What they put forward is not absolutely binding on the HOA. This is to get input from the association members that want to participate and want to give them ideas to bring forward. A consolidation of ideas on how to our subdivision and our neighbors into compliance status.

Rebecca Bracken: That is a perfect way to put it David.

David Gibby: Most of our noncompliance, a good portion is relatively minor. So they require minor activities to address. The landscaping is a bigger issue. How do we get a viable pathway that will bring compliance within a reasonable timeframe?

Ryan Evans: That is the other part I want to make sure we are considering, the options for that and what the timeline, especially given the circumstances currently.

David Gibby: This has been a big curve ball. We are busy with work and family stuff to know what is going on. I go to work every day.

Laura Burdine: One thing I would like to point out, they need to research the liability of the Board if enforcement is not done. Also, what it can do to property values. A few things to research as well.

David Gibby: I think those are some considerations they need to have when they look at this and understand we have rules and they are binding when they purchase a property. The problem we are having is our stupid developer. I will be blunt about that. In the beginning, not enforcing anything left us with a big mess. It was inconsistent and if it had been enforced from the beginning, we would not have issues right now.

Laura Burdine: I 100% agree with you. If enforcement was satisfied from the beginning we would not be here right now.

David: That is water under the bridge, long gone. I think the committee needs to understand as Laura pointed out, the rules, as Ryan pointed out there are other rules that could trump what is brought forward. We need to understand the reason we need people in compliance is there are liabilities. While our bylaws require this mediation to take place, and people can initiate that mediation even now for noncompliance issues. If mediation does not resolve the issues, it can result in a lawsuit.

Laura Burdine: It goes both ways too. They need to remember that we have people in noncompliance and there can be problems that way. But the people that are compliant can come forward against the Board as well for not enforcing.

David Gibby: I think we need to remember there are legal tools that we discussed last time that Rebecca had mentioned about using compliance schedules that are signed between the homeowners and HOA that can become legally enforceable documents to protect the Board while maintaining a schedule. We need to see what ideas the committee has. That was the idea to get more opinions into our group of five. Do they have new ideas that we haven't come up with?

Laura Burdine: I agree with focusing on new ideas. The thing I have with getting ourselves into some sort of agreement with homeowners individually is that we have already done that. We could not move into our house until we signed that paper stating clearly we agree to those rules. I feel like we have already have an agreement.

David Gibby: And we did. Legal precedence says yes we have but it also says agreements we are entered into, as I am in environmental, sometimes facilities go out of compliance for various reasons and regulating agencies step in and they have an agreement they will come back into compliance when it cannot be achieved immediately. It protects the EPA and the company. A similar model could be a method of getting in. It gives us a hammer, as we call it in the regulatory world, the hammer over the enforcement of the requirement they have now signed up for, "I recognize that I am out of compliance, but I will be in compliance in this schedule."

Ryan Evans: Yeah, sorry. I have to say, there are interpretations of CCRs and Bylaws that have occurred. So it is not cut and dry. One person's interpretation of being compliant and the Board's could be different. It is in those cases where agreements can be binding and mediation. That is why that language exists.

Rebecca Bracken: Getting people to communicate is the most important thing. We didn't even have any disputes with our letters but getting people to communicate is priority. This will be a change.

Ryan Evans: I haven't met anyone since the October meeting that has been obstinate as far as refusing to do anything. Some were happier than others. The bottom line is everyone wants to be compliant and work towards that as long as they believe everyone is being treated fairly and there is judgement in line with the rules, we will get cooperation. Some we will have to drag a little harder than others. But I do feel like the vast majority, subject to knowing we had the committee and not just the Board dictating rules and not listening. I really do think this is a great path to get there.

Laura Burdine: I agree with having input from others especially if that is really how they feel strongly about giving it. I will move onto the next part. I would like the committee to look at how enforcement can be done and the information about the management companies we received in the fall. The 2018 fine schedule draft from David mentioned having a management company oversee the enforcement part so that Ryan, it does not look like it is coming from a Board that isn't listening to someone. It is coming from a viable source going out and checking. That is why we got the bids so there are options. Especially for the people that do not believe the Board is being thorough or fair in any way. I am happy to provide them the bids and what it includes. Do you guys think that would be appropriate for them?

Ryan Evans: I think that's fine. That is information they need to consider.

Rebecca Bracken: I will remind everyone that last year I went door to door handing out notices for the last weekend to pay dues before the late fees. It was not received well. People did not care for a Board member on their porch. We send out reminders, letters, I know it was an option mentioned, we just need to get out and talk to people. People were not receptive to "Hi, this is just a

little reminder, so you are not charged late fees.” I didn’t expect that. That is why I proposed we ask people how they would like communication and hold them to it. If they say they would like email preference, if they come back and are unhappy, the resident chose that. Some people even complained to me, “Why should I pay dues when the Board doesn’t do anything?”

Laura Burdine: We had that the first year as well, two years ago.

David Gibby: They don’t want to pay so that is their excuse.

Ryan Evans: I agree.

Rebecca Bracken: People must not take it personal when the Board sends them a letter. We need to build trust with our residents.

David Gibby: I agree it is about building trust. No matter how hard we try, we will have a certain subsection of residents that will always be in opposition. They are not the type of people that should have bought into an HOA.

Laura Burdine: On the bright side, the person that said the Board was stalking them has paid their dues. It is progress.

Rebecca Bracken: Building trust and working with people, giving them options is important. People do better when they have options.

David Gibby: Do we want to add this to what the committee looks at for enforcement? How can we communicate and build trust, so we get the response we need to help people come into compliance? What can we do as a Board to communicate with members of the association?

Rebecca Bracken: I would love that feedback.

Ryan Evans: I think so.

Travis Scharmann: So is this Committee going to be just the three people that put in, and that’s it? Or are we going to combine with them to do this?

David Gibby: I understood this to be the three people to get an outside view of the Board that would represent ideas from members of the association and then have them assemble them into a report or something to bring back and we can evaluate. Then we stay independent from that process until they bring recommendation forwards.

Laura Burdine: If I remember correctly David, that the Board members are able to attend the meeting but not able to vote. We can answer questions since there will be some. We just won’t be able to participate in voting.

Travis Scharmann: The reason I ask is we were expecting at least 9 members of the committee and there are only 3.

David Gibby: The three we have are a pretty good cross section. We have a compliant member who has issues with the Board I might say, probably. We have a compliant member who had to do extra work on their landscaping that cost them extra money to be in compliance, and someone with a current outstanding issue. They are planning on fixing it, so it is not an obstinance thing they are not going to do anything.

Travis Scharmann: Perfect.

Laura Burdine: I would like to provide the committee members with the two different fine schedules, with the letters that went out to obtain compliance. I can assemble three packets with all the information so they can have it.

David Gibby: I agree, they can look at it and say, you know you could have communicated this differently or this looks fine. Whatever they come back with, but I think they need to look at it.

Rebecca Bracken: Do you want to provide them with some sort of outline like you provided us David? List the responsibilities?

David Gibby: Yeah, mine was just a pitch, we have really outlined everything tonight and if we can show it utilized and they can maintain their structure in their approach to this.

Rebecca Bracken: Is there anything else?

David Gibby: When would we like them to have this back to us by?

Rebecca Bracken: We talked about a 4-week turnaround last week. Do we all agree that is enough time still?

David Gibby: Yes. If they feel like it is not, they can contact us, and we can give them another week or so.

Ryan Evans: With three members they may need some extra time.

David Gibby: If they are all stuck at home, they may be able to work on it. Ryan and I are working terrible hours, we wouldn't get anything done. I don't know how long I can go at this rate.

Rebecca Bracken: I added some text on the website that pops up automatically that reminds people about the dues. I added if your family has been affected by Covid-19 and you need some extra time to let us know. Does anyone know of neighbors that have lost their jobs or need anything? Is there service we can provide to residents?

Ryan Evans: I don't know anyone in particular. I think we need to consider if someone is asking for some leeway. The federal government is extending taxes, maybe we could consider waiving late fees for those individuals impacted. Let's keep our ears open.

Laura Burdine: Have we completed our discussion about the compliance committee?

Ryan Evans: On thing, what documents from a privacy standpoint, not the compliance list, would the compliance committee need to know general information about compliance issues?

David Gibby: Great idea.

Rebecca Bracken: Statistics would be important information.

David Gibby: Statistics like we have this many that are landscaping, satellite dishes. No details. But having an understanding of what we are actually dealing with when it comes to compliance.

Laura Burdine: I agree. Rebecca compiled and shared some statistics and you said that people that built in 2015 have the most yard noncompliance. That could be important and could help the committee to know they are not new construction; they had a few years to get going. Maybe that would help.

David Gibby: They would know the landscaping requirements provide up to two years, so it isn't really relevant at this point. I am glad Ryan brought this up. Having the statistics would help guide them. If it was all just garbage cans, we could put up information talking about that. If it is landscaping, that is big money. It gives them a scope of the problem.

Ryan Evans: If these people have to go through the design review committee, will it take longer with fences and yards. Technically they should go through a design review committee and how we can talk through that with the compliance plan as well.

Rebecca Bracken: During the discussion last year, I created a form that is for the design review committee. It asks what plans they have, what we want them to attach, and a timeframe they are requesting. So when we are ready, we can modify those documents into whatever we need them to be.

Ryan Evans: It would be helpful to outline what the design review committee intent is. Some people may not know the process. Some people believe it is a separate committee.

Laura Burdine: It hasn't ever been separated. It was Josh Yates and I believe brothers or family members on it before. Hopefully this will help people to understand how things work because people don't know what happens on the Board. There is a lot it entails.

Rebecca Bracken: Sheds have been brought up. They must go through a design review committee and must match the colors of the house. Someone talked about solar panels and flag poles. So there are questions and education that could be done to help people to talk to the Board.

Ryan Evans; Yeah, I am with you saying hey we are enforcing all rules here and we want to be clear going forward because this isn't just new construction problems.

Rebecca Bracken: What we do as a Board to interpret rules will need to be compiled for other Boards. I think when we set a precedent, it is best to be consistent. So compiling things and passing them along is important. They may have the same questions in 3 or 4 years when all of us are not on it anymore.

Ryan Evans: That is right, so right.

David Gibby: Is it ok if we move onto Laura's email? It is my bedtime. I think we have a really good tool to hand over to create some ideas.

Laura Burdine: How should I give those packets out?

David Gibby: Because of social distancing let's just put them on their porches.

Rebecca Bracken: I will type up the outline to attach Laura. I will send it out to everyone for review, with the meeting minutes and we can finalize it. I can help print and/or deliver.

Ryan Evans: I have a scanner if you want me to send it over electronically.

Laura Burdine: I like to have paper to mark up and refer back to. I have extra copies of everything.

David Gibby: Let's just maintain social distancing.

Laura Burdine: So my email, did everyone have a chance to review my email?

David Gibby: This is the one from Turf It?

Laura Burdine: Yes.

David Gibby: I think the price increase is probably acceptable, they have been pretty cheap. I am irritated about debris dumped in our park strips from the new subdivision.

Laura Burdine: I want to clarify it wasn't dumped. All the mud, rocks, and stuff are pushed up from the snowplows. There is a lot. Turf It says they cannot mow until it is cleaned up.

David Gibby: How long of a section is it?

Laura Burdine: Behind Jason Carter isn't affected. But for sure behind Carly Allred and Cheryl Caldwell is definitely affected. It is ruining the grass; it is pretty bad. I contacted the City to ask them to have the developer clean it up. I have not heard back. So I will contact them again. If I do not hear back, what would you guys like to do?

Ryan Evans: Do they have someone they could give us a bid to clean that section up?

Laura Burdine: I asked Turf It if they could have someone clean it up with rakes.

Travis Scharmann: So it is because of the subdivision going in up there? I am going to see if I can reach out to the General Contractor. That kind of has to do with my new job. So I am going to work with them on that and their license.

Laura Burdine: Yeah go and take a look at it first.

Rebecca Bracken: Thank you Travis.

Travis Scharmann: I will go look at it. If they are making messes like that, I am going to tell them they can't do that.

Laura Burdine: it is not deliberate or intentional. It has happened over time with the snow.

Travis Scharmann: I will stop up there tomorrow and talk to the contractors and find out who the general is.

Laura Burdine: If they are not willing to clean it up, let me know and we can get Turf and let me know right away and we can get going on that. You guys are ok with the price increase?

David Gibby: I thought the lawns looked great last year. The water schedule, the mowing was decent.

Laura Burdine: Part of it is using TruGreen to fertilize and for treatments on the trees. Did you guys have a chance to look at the bid? The bid was \$1900 treatments of all the trees and includes all the fertilizing, I believe 5 treatments.

Everyone: Yes

David Gibby: I believe that was consistent from last year. I am ok with that.

Ryan Evans: I haven't reached out to Charlie to see if he could help in other areas. I am fine with Turf It and TruGreen. We mentioned maybe Charlie to do repairs.

Laura Burdine: I talked to Charlie. He was going to come up and meet Turf It with me. Charlie is interested in helping with the sprinkler start up, repair, but not winterizing. He will work with us to help get the water turned on. Can I make the suggestion that when we have our annual meeting at the end of the year, we award him a gift card or something?

Rebecca Bracken: We discussed in a previous meeting paying him as a contractor.

David Gibby: Yes we did.

Laura Burdine: When I talked to him about prices. I don't know if he knows what to charge. He just works on his other properties. I will talk to him.

David Gibby: Another approach could be to award him a fixed price annual contract to maintain the sprinklers. Like, say \$200 plus parts.

Laura Burdine: I can go down with my card and get him whatever parts he needs. Do you think that amount is sufficient?

Ryan Evan: I don't know.

David Gibby: I was just throwing a number out there; I don't know what amount is worth it. That may be one way to do it and he can decide the amount.

Ryan Evans: We can create a contract and put it in the budget.

Laura Burdine: I want people in the neighborhood to know how much work he is putting in and he is saving us money. I am fine with whatever.

David Gibby: Then he won't have to bill us. It will even out over the years.

Ryan Evans: I do not mind recognizing him at the annual meeting. I think that is a good idea to show our appreciation.

Rebecca Bracken: I love the idea of showing the positive and recognizing residents. When this is all done, lets talk about putting a committee together for a neighborhood BBQ and recognize great things and celebrate our wonderful neighbors.

Laura Burdine: Last year we talked about doing a yard of the month, like a beautification award.

David Gibby: It would be fun to have a yard of the month and at Halloween and Christmas award.

Laura Burdine: Are you guys ok with Turf It trimming the red trees along Skyline. On Droubay they are ok, but on Skyline they are into people's yards. So they need to access people's yards. Is that ok with you guys? We will need to contact those residents.

David Gibby: That shouldn't be a problem.

Laura Burdine: The guy from Turf It was pretty difficult. He brought up the sprinkler valves and everything else and said things have not been winterized correctly. He was insinuating that Charlie did it incorrectly and has been every year. So I told him, that is on you because you are hired to do that. He didn't know what to say. He said they trimmed the flowering pears. But Turf It was asked to trim the chokecherries, the red trees. Oops. So I had to go back and forth. He told me the size of the subdivision doubled and they hadn't had a price increase since 2016, which is not true. I told him we had and added 4 houses on the park strip. I made sure I stated facts. It was good, they are good.

David Gibby: On to the dues, that are due. Some have not opened the email sent. I think we should send an invoice to those that have unopened emails. Not certified. People can choose to not open emails.

Laura Burdine: In QuickBooks gets notification each time it is opened. So how many times and what time of day. I am afraid of people from the meeting picking electronics and will say they didn't know. Maybe I should send a reminder email since that is how they wanted it.

David Gibby: Did you send mine electronically?

Travis Scharmann: I didn't get mine, but I just searched, and I got it.

David Gibby: Some of these people may have not received it and it may have gone to their spam.

Laura Burdine: After 2 weeks, my junk just deletes. So i can send out letters to those residents and attach a letter if was sent electronically and not opened. I just want to be proactive.

Ryan Evans: Just in case someone is having problems they can talk to us.

Laura Burdine: We've had 100% due collection the past 2 years. It has not been without work. But we can make this happen again this year.

Ryan Evans: I have a couple of checks to drop off to you.

Laura Burdine: The mobile deposit is so convenient.

David Gibby: Are we still using our post office box? I have a key.

Laura Burdine: We are keeping it open until dues collection is complete. I check it once a week along with the new ups store box. There has only been one thing in the post office box, and it was a due paid through bill pay. To close it, we need to return the keys.

Ryan Evans: I am going to repair the fence up at the end of Skyline also. I will contact the homeowners to see if they have panels.

David Gibby: I don't really have any good slats. We may need to contact Jason Barker.

Ryan Evans: I can reach out to the three about the committee while we are assembling stuff for them.

David Gibby: Lets contact them ahead of time and let them know they have been chosen and more info to follow.

Laura Burdine: When is the start date? Should we pick it for them?

David Gibby: How about April 6?

Laura Burdine: Should we set up a Zoom meeting and tell them to jump on?

Ryan Evans: I can check with them and set up April 6 unless that does not work.

Thanks everyone for your hard work!