

## DMCA Board Meeting Minutes

9/16/19

Meeting was called to order at 6:10 PM.

Attending: Vince, Val, Rick, Gary, Gordon, Tom.

Guest: Caroline McAndrews

- 1) Rick provided the Financial Report. He moved to forgive the Woodruff's water overage bill of \$99. Gordon seconded. The motion was unanimously approved. Rick noted that Lynne LaCorte's balance due is currently \$4050.00. He also noted that he has invoiced Matt Link for his water tap fee.

Gordon moved and Tom seconded that we approve the Financial Report for August. It was unanimously approved.

- 2) Vince informed us that Attorney Pfeiffer reported that Garth has 21 days to answer after service and that service by publication has occurred. Pfeiffer does not know at this time whether the Judge has accepted Garth's recent 130-page filing. Vince will ask Pfeiffer for a thorough accounting of the amounts that Garth currently owes to DMCA.

There was a discussion about things we want Attorney Huffman to look into including 1) ensuring that our current CCD's are in good order, 2) what does the Board have the authority to do per the CCD's, and 3) what action if any should we take regarding Lynne LaCorte's outstanding balance. Vince noted that, as regards Lynne's balance, DMCA does not need to take any immediate collection action because unpaid HOA fees are automatically a priority lien on a property should it be sold.

There was a discussion about our dissatisfaction with Attorney Pfeiffer who has not complied with our request to keep the Board updated no less than every 30 days about the status of, and his progress with, the foreclosure of Garth's property.

- 3) There was a discussion about a couple of water meters that are currently unable to be read remotely. Gordon asked if the Board could replace the Lindlers' meter and bill them for it. Vince agreed to ask Bill to replace his meter in the next 30 days or, if he does not, DMCA will replace it and bill him.
- 4) Vince provided a summary of his emails with Andrea regarding access to the common area. Andrea indicated that she would keep talking to John Young about access via the utility easement on his property. Val summarized his and Tom's conversation with Matt Link regarding possible access to the common area across his property. Matt had indicated that, at least for the next 12 months, his house will be under construction and he does not want any trespassing

during construction. Val asked if Vince could email the members asking that folks respect Matt's private property.

- 5) Vince reported that the engineers' evaluating our water system had wanted to inspect the old well and the water tank. Vince specifically emailed the property owners on whose property the engineers would be walking to access the old well and the tank to request their permission to cross their property rather than simply using the utility easement. No affected property owners objected.

Vince reported that Andrea had stopped by the Youngs' house on Sunday Sept. 15 to discuss members' access to the Common Area via the utility easement on the Youngs property. John told Andrea he was not interested in discussing the matter and that, in his opinion, anyone using the easement would be trespassing.

There was a brief discussion about potential liability to DMCA should people start using the Common Area. Val suggested that we put up No Trespassing signs to prevent access from the RiverSage side.

- 6) There was a discussion about the water engineers' study, the level of water in our aquifer, how much it dropped during the test, and the status of the old well. The study showed that our aquifer is healthy. Vince noted that the old well was abandoned because the Corps. Of Engineers notified DMCA that the old well was taking water from the river. SGM has offered to give a report to the Board, possibly at our next meeting. We agreed to put the re-coating of the water tank on hold for now.

The Deppens have had irrigation water running onto Cty Road 24. Gordon agreed to talk to Ryan about it.

- 7) Vince noted that October 5 at 4 PM is the date of the Annual Picnic.
- 8) Rick offered to create a New Homeowner Contact Information form which he will circulate for comments.
- 9) Vince noted that the Annual Meeting will be held on November 18 at 6 PM at the Church of the San Juans. He suggested that we create an annual 2020 budget at our next meeting and that Board members prepare their respective reports for the Annual Meeting. Vince will do the Legal Report. Gordon will do the Water Report. Rick will do Financial. Val will do ARC and Tom will do a Website Report.

Vince reported that Henry Hooper has agreed to Chair the Nominating Committee for Board member elections. We each need to notify Henry if we will agree to serve for another year. Vince stated that he will not serve as President next year and he may or may not serve as a Board member. Gordon agree to serve another for year.

Caroline suggested that we consider having staggered terms so that not every Board member would come up for re-election each year.

10) Val reported that Julie Huffman is looking at both the CCD's and possible regulations as regards STR's in DMCA. There was a discussion about what the Board can and cannot do under the current CCD's. It was decided that Val and Tom would talk to Julie to get her opinion. Val made two motions which Tom agreed to draft and circulate to the Board by email for approval. The two motions are:

#### Motion 1

Val made a motion to ask Julie what authority the board has. Please give us a legal opinion on what the board can and cannot do by Resolution. And, specifically, what can the board do and not do by resolution as regards Short Term Rentals and ADU's in Dallas Meadows.

#### Motion 2

Val made a motion to ask Julie to drill down (review) into the process that was employed to amend the CCR's and By-Laws in 2014 and 2015 resulting in the Amended CCD's that were ultimately approved and recorded with the County.

a) Were the changes done in accordance with prevailing State laws at the time?

b) Ask Julie to consider and comment on the information in the Power Point sheet that Val prepared listing possible discrepancies and irregularities that we have uncovered in our preliminary review and to explain the legality of the amended CCD's in light of these discrepancies.

c) Ask Julie to provide us with a detailed explanation of her rationale as to how she arrived at her conclusions.

d) If she determines that the amendments were not properly adopted, what should the board do, i.e.- what is our next course of action?

Subsequent to this meeting, Tom received unanimous approval of these two motions from each Board member.

At 8:45, Gordon moved and Gary seconded to adjourn the meeting.