

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.
Regular Board of Directors Meeting
Thursday, January 14, 2010
MINUTES

President Gary Gray called the regular monthly meeting of the Pagosa Lakes Property Owners Association Board of Directors to order at 7:00 P.M. in the Pagosa Lakes Clubhouse, 230 Port Avenue, Pagosa Springs, Colorado.

BOARD MEMBERS PRESENT

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Gary Gray - President  
Richard Fortier – Vice President  
Paul Boyd - Treasurer  
Richard Beaudry - Secretary  
Crista Munro – Director  
Ronda Higby - Director  
George Hatfield – Director

**STAFF PRESENT**

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General Manager - Gloria Petsch
Recording Secretary – Steve Milton

Quorum verified by Secretary Beaudry

APPROVAL OF AGENDA

The following changes were made to the Agenda: Under New Business #3; Item E, was removed from the agenda. Motion to approve amended agenda was made by Secretary Beaudry and seconded by Vice-President Fortier. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 10, 2009

A motion was made and seconded to approve the minutes of December 10, 2009 as written. Motion carried unanimously.

GENERAL MANAGER’S REPORT

- 1) In addition to the Department Managers’ reports, the following comments are noted:
ACCOUNTING: None other than as included in departmental report.
DCC: None other than as included in departmental report.
DPE: None other than as included in departmental report.
DRA: None other than as included in departmental report.

- 2) The **Sheriff’s Department Animal Control** statistics for the month of December show 6 reports taken, 4 dogs impounded, 0 reported cruelty cases, 6 dogs returned to owners, 0 reported dangerous dog calls, 5 verbal warnings given, 1 written warnings given, 0 summons

issued, 26 citizen contacts made, 28 calls from dispatch for service, 1 animal welfare check made, and 928 miles driven (vehicle out of commission for 1 week).

- 3) Pagosa Lakes POA has **twenty-five (25) active Covenant Compliance legal issues** pending with counsel at the present time.
- 4) **Commissioner Ranson's latest county update is has been emailed to the Board.**
- 5) **Proposed Boating Regulation changes have been reviewed by counsel.** Only one change was recommended - and has been incorporated into the final documentation. Brochures, website, and Neighborhood Rules and Regulations are now being amended to reflect the new changes.
- 6) **As discussed at the last meeting with the Commissioners, regular meeting between the PLPOA Board of Directors and the Archuleta County Commissioners was suggested.** Does the Board have any suggestions for the topic of the next meeting-perhaps the Current Animal control contract with the County? And, would February be a good time to try to schedule the next meeting?
- 7) **Below is the schedule for ECC Meeting Dates for the first half of 2010. Please let me know if you are available to attend as Board Liaison for May 20 or June 17.**

January 7, 2010-**Gary**; January 21-**Rich B.**; February 4-**Crista M.**; February 18-**Crista M.**;
March 4-**Dick F.**; March 18-**Gary G.**; April 1-**Dick F.**; April 15-**Rich B.**; May 6-**Dick F.** ; May
20-open; June 3-**Dick F.** ; June 17-open

- 8) You will recall the **proposed changes to the Building Permit Process** discussed last month that were approved subject to review by Association Counsel (Sections 3.1.26, 4.8.7, and 7.6.) Attached are Counsel's comments. These comments have been forwarded to the ECC.

PUBLIC COMMENTS

None.

TREASURER'S REPORT

As of December 31, 2009, the Association has received \$1,174,000, or 92.0% of the total billed 2009 assessments of \$1,276,000. For the same period in 2008, the collections were approximately \$1,213,000 or 94.9% of the total of \$1,277,600 billed. Collections are 2.9% behind last year because two group owners with 247 properties have not paid. If they had paid, collections would be nine tenths of a percent ahead of last year.

COMMITTEE REPORTS

- **Recreation Center Committee** — No report at this time.

- **Lakes, Fisheries & Parks Committee** – No report at this time.
- **Road Advisory Committee** – No report at this time.
- **Finance Advisory Committee** – No report at this time.
- **ECC agendas and minutes were included in the DCC report.**

UNFINISHED BUSINESS

- **Proposed changes to the Building Permit Process and Neighborhood Rules and Regulations.** The Board has requested that Building Permit Process, with counsel's suggested revisions, will go back to the ECC for review before it is presented to the Board. Secretary Beaudry thinks this is an opportunity to look into streamlining these documents and getting some property owner feedback through surveys or forums. President Gray stated that the Board of Directors needs to look at what is on the table now, and plan out some deadlines and prioritize the items that the Board is working on. General Manager Petsch suggested that the Board schedule a work session to decide how the Board wishes to proceed with the document revisions. Secretary Beaudry requested that the Board discuss this at the end of the work session to be scheduled to discuss Personnel Manual Revisions.
- **Schedule work session to discuss Personnel Manual revisions.** The Board will get their ideas to General Manager Petsch and she will incorporate all suggestions/comments into the document so that all comments may all be seen in context. Then, after reviewing this, the Board will discuss these inclusions at a work session.

NEW BUSINESS

1. **County Administrator Greg Schulte and County Attorney Todd Starr to present a proposal regarding Fairfield Settlement funds that are being held by the County.** County Attorney Starr handed out an informational packet on the background of the settlement. A motion was made by Treasurer Boyd to approve General Manager Petsch contacting counsel to begin researching the Fairfield Settlement, and whether the County's proposal to free up those funds for capital improvements in the Pagosa Lakes area is possible. The motion was seconded by Vice-President Fortier. Motion passed unanimously.
2. **Property owner Ray Finney requests permission to address the Board.** Mr. Finney stated his concerns for the Board. Mr. Finney's primary concerns are as follows: 1. Mr. Finney believes that the Board has not given him an adequate explanation as to why he was asked to resign from the Environmental Control Committee. 2. Mr. Finney believes that the Pagosa Lakes Department of Covenant Compliance staff should not enforce the Declarations of Restrictions by notifying property owners of potential problems. Rather, when one home owner has a problem with another home owner, they should report a violation. 3. Mr. Finney stated that he feels that home owners, who are required by the Declarations of Restrictions to pay the \$30 filing fee for applications, should be given a credit. He also stated that he feels the Association is overstaffed.

President Gray responded to Mr. Finney:

“This Association and all Property Owner’s Associations in the State of Colorado are mandated to apply its rules and regulations equally to all of its members.

This association has long operated under the principle that all owners are to be treated as equal owners and that no preferential treatment be afforded one member over others.

We continue to believe and operate under the guideline that NO staff member who is an owner, nor any committee member of the PLPOA – Finance Advisory Committee, ECC, Road Advisory Committee, Lakes committee, or the Board of Directors should have any more rights or preferential treatment than any other owner.

When the Board was made aware of Mr. Finney’s actions, we were shocked and disappointed. Mr. Finney had ignored the requirement to get a permit prior to a construction project, which all owners are required to get.

Mr. Finney’s opposition to permit fees led him to make ‘a test case’ and proceed without a permit or fee being paid.

The question before the Board was, should Mr. Finney continue serving on the ECC Committee? The Board answer was NO and the decision was unanimous.

The Board had 2 options. 1) Vote to remove or 2) Offer the opportunity to resign. Because of Mr. Finney’s past service to the PLPOA, this was the option selected and his resignation was accepted.

Mr. Finney was serving on the ECC Committee which has many different jobs. One of which, in January 2009 was to revisit permit requirements, fee schedules, etc. These recommendations forwarded to the Board of Directors and then approved, would be binding on ALL owners.

Mr. Finney was not able to attend and he communicated that “I agree with the building permit fee schedule.”

He not only approved the building permit fee schedule, but actually suggested raising several inspection fees.

That was his position January 2009. Several months later when he was, like all members, subject to a permit and permit fee prior to construction he objected to this PLPOA requirement.

Mr. Finney did not and does not feel his actions warranted the harsh penalty of resignation from the ECC and that he was unjustly treated.

In the letter quoted above, where he approved the permit fee schedule and even suggested raising some fees more Mr. Finney told how he felt violators should be treated.

“As far as fines go there should be a steady upward progression for violators especially by builders who know better.”

One possible action that might be taken for builders with a history of violations would be “not to accept a contractor for building in PLPOA...”

I could just imagine how upset members would be in paying for a permit and then discovering that that rule was not required of all members.

The Pagosa Lakes Property Owners Association is not now and hopefully will not be an association where all owners are equal, but some all more equal than others.”

3. There were **4 violations for Board ratification** this month, as item e was removed from the agenda.
 - a. Account #2287.0, Structural Maintenance – Fine \$100.00
 - b. Account #4052.0, Trash and Debris – Fine \$200.00
 - c. Account #4143.0, Building without a Permit– Fine \$250.00
 - d. Account #12245.0, Structural Maintenance – Fine \$100.00
 - e. Account #31266.0, Structural Maintenance – Fine \$100.00 – resolved/removed.

Motion was made by Vice-President Fortier to affirm the remaining fines as presented. Motion seconded by Secretary Beaudry. Motion passed unanimously.

CORRESPONDENCE

- None.

EXECUTIVE SESSION

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ADJOURNMENT

There being no further business, the meeting was adjourned at 8:22 P.M.

Respectfully Submitted,

Richard Beaudry, Secretary

Steve Milton, Recording Secretary