

## Silver Springs Community Group Proposals

from Silver Springs Community <sscommunityut@gmail.com>

to Master Association Board and Nominees:

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date Fri, Jun 11, 2010 at 12:40 PM

subject Silver Springs Community Group Proposals

### To the Silver Springs MA Board Members:

At the April 13, 2010 MA Board meeting we were told that if a person or group had a plan or proposal for improving the Silver Springs Community that such plan or proposal should be presented to the subdivision representative on the MA Board so that person could then present it to the MA board itself. The Silver Springs Community "Tea Party" "Community Organizer" Group presented the below proposal to the Silver Springs Single Family Board on April 12, 2010. In attendance (around 28 residents) were two MA

Board representatives. Neither of them have contacted us for further clarification and according to the MA Minutes neither has presented our proposal to the MA board. The SSSF "president" /MA Board representative responded to our proposals by mailing out a disparaging and misinformed letter to all the SSSF residents impugning our Group's work and efforts, thereby creating distrust and confusion in our neighborhood.

After waiting for nearly a month for a response from the MA Board we decided to contact the "Dues Working Group" Chair Bill Chambers on May 10, 2010, leaving a phone message and sending the email included below, explaining extensively our Group's Proposals. After another full month we have not received any response from him or any of the other recipients of our email. The MA board Minutes do not indicate that Chambers presented our Proposals to the MA board.

This is our third attempt to present our Proposals. We are close to collecting a majority of Community Ballots that represent around 95% approval of our Proposal for tiering of the MA assessments for Common Area properties, and other issues.

Since February 9, 2010 when the capital improvement assessment for Little Lake work was presented at the MA "Annual Meeting" by MA board officers the Community has been communicating and investigating the history and legitimacy of the MA. One of the attributes of the MA that we find disconcerting is that the board has a way of compelling through items without informing Community Members or providing for their votes.

We are concerned that this long delay in addressing our Proposals and other matters of fiduciary alarm may be part of a ploy to authorize and provide time to the MA attorney to rewrite or otherwise alter the current MA charter documents without input from the Community. We have also proposed, after consulting with an attorney specializing only in HOA matters, his advice that "Bylaws are not required under the [2008] Nonprofit Act. Without bylaws the Nonprofit Act becomes your bylaws. [meaning that amended Articles of Incorporation are all that are needed to run the "MA"] If you are attempting to classify owners into one of three categories, amend your Articles of Incorporation to allow you to create 3 classes of owners, then spell out the rights and obligations of each class... See Utah Code 16-6a-202."

Amending only the Articles of Incorporation will save a great deal of time and money allocated this year in the MA Budget for legalizing the current "MA" charter documents. Amending would also assuage the 20 year condition of the "founding documents". The Bylaws can be repealed transferring pertinent rules into the Articles. All other earlier documents can be nullified or explained within the Articles in such a manner that the Articles are the one and only ruling MA document. Streamlined and perfectly legal adapting to the latest Non-Profit Corporation Act rules. This would remove the conflict or overlap between documents that now exists and save for the Community much of the \$24,000 allocated in the 2010 MA Budget for Legal/Professional fees.

The 2010 MA Minutes are mute on this topic.

We have heard board officers state that they welcome Community input and encourage attendance and participation. We are actively taking up that offer.

We hope to receive a response from the MA board officers in the near future.

Silver Springs Community "Tea Party" "Community Organizer" Group,

Lucy Archer  
435-649-4663

Group Spokesperson

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### **Proposal for tiering of MA assessments**

Date: Mon, May 10, 2010 at 7:52 PM

from: Silver Springs Community "Tea Party" "Community Organizer" Group  
<[sscommunityut@gmail.com](mailto:sscommunityut@gmail.com)>

to: Bill Chambers [w-chambers@comcast.net](mailto:w-chambers@comcast.net) and several others

subject: Proposal for tiering of MA assessments  
mailed-by [gmail.com](mailto:)

To Bill Chambers,

There have been many comments on the ways to appropriately change the levels of assessments within the "MA", I am sure you have heard a number of them. A number of Community members are convinced that the "MA" is documented to be only a Non-Profit Corporation as the "MA" has neither formalized completed Bylaws, nor CCRs. It is not a true Master Association. The MA holds authority through its Articles of Incorporation only for the Silver Springs Common Areas (incidentally this authority for the Common Areas was first given to the [SSSFHOA in 1979, 1982, 1985](#) and has not changed in those CCRs to date).

An attorney from a firm that specializes in HOA cases told us the following: "Bylaws are not required under the [2008] Nonprofit Act. Without bylaws the Nonprofit Act becomes your bylaws. [meaning that amended Articles of Incorporation are all that are needed to run the "MA"] If you are attempting to classify owners into one of three categories, amend your Articles of Incorporation to allow you to create 3 classes of owners, then spell out the rights and obligations of each class... See Utah Code 16-6a-202." Amending only the Articles will save a great deal of the \$24,000 allocated this year for Legal Fees to work on legalizing the current "MA" by other means.

As you are the Committee Chair to investigate tiered assessments we want to present to you our proposal to present at the May 11th "MA" board meeting, as follows:

Proposal for the MA to be correctly recognized as the Non-Profit Corporation for property management entity to be comprised of three parts --Condos-Townhomes,

General Members, Lake view Owners

**CONDOS-TOWNHOMES:**

- The condo subdivisions will benefit greatly from restructuring the MA into three property management parts.  
- In 2010 the Condo-Townhomes are being assessed \$357 per unit by the MA for the Little Lake repairs that the General Members do not/ cannot use.

- Willowbend West Condos were the original owner of one court, Meadow Wild and Meadow Spring own the other court, both sharing one parcel of land. [See plat, photos, etc. by clicking here.](#) The tennis courts were refurbished in 2007-2008. The work is guaranteed for another 20+ years.

- The seven condo-townhome subdivisions boards can cooperate to maintain the Tennis Court parcel bringing great savings to their Members.

\$357 per unit times 126 Condos equals \$44,982 collected in one year.

That total would go a long way to maintain the Tennis court parcel for many years. The common area (tennis court) assessment could be decreased to as little as

\$48 per unit times 126 Condos equals \$6000 per year

We have added all the MA expenditures for the Tennis Court parcel (including work on the Meadow Wild/Meadow Springs court).

The total is around \$120,000 (includes the total refurbishing in 2007-2008) during twenty years (1990-2010).

Divide \$120,000 by twenty years equals \$6,000 per year.

Divide \$6,000 by 126 Condos equals \$47.62 per Condo per year. Add \$10 per unit per year for a future repair fund.

**GENERAL MEMBERS:**

SSSFHOA has a long history of involvement with the Park and its maintenance.

(authority for the Common Areas was first given to the [SSSFHOA in 1979, 1982, 1985](#) and has not changed in those CCRs to date)

The 2.01 acre Park would be maintained by this board and its Members at a greatly reduced cost than what is currently being spent.

\$75 per Member for the Park times 189 SSSF Members equals \$14,175 per year to maintain the Park.

Again, a great savings to the Members.

Streamline the current MA organization and everybody wins.

There is concern that the MA has not implemented a bid system for the mowing/landscape work for the Common Areas. A couple of landscape companies have been contacted for bids. The bids range from \$600 to \$1,000 per month depending on how much extra landscape work is contracted for. The current company is paid \$1,100 per month and everything beyond mowing seems to be extra. Some months tripling or more the cost. It seems more responsible to obtain bids for this work at least every three years.

**LAKE VIEW OWNERS:**

-- This would provide a remedy for the unfairness felt by a majority of the 450 non-lake view owners paying for privatized water amenities that benefit only 54 lake view owners. [See email sent to all the "MA" board with [questions regarding the ownership and use of both lakes' Enjoyment Easement](#) -- at bottom of that link page.]

- This is an effort to mend a longstanding grievance in our community evidenced by the "one time only" 2005 use of tiered lake repair assessments,
- to implement a tiered assessment without conflicting with individual subdivision Bylaws and CC&Rs, and
- to allow the lake view owners more control of the lake maintenance and use without forcing the General Membership to finance these privatized amenity projects without obtaining the necessary 66 2/3% vote from them.
- to discourage "scare tactics" frequently used to sensationalize the Division of Water Rights assessment of the dams and gates on the Silver Springs two ponds/lakes. See link to [SS Dams webpage and Dam Safety letter](#) by David Marble the Asst. State Engineer for Dam Safety.

At the April 13, 2010 MA board meeting some of the lake view owners presented a proposal to the MA board to allow them to purchase the land from their back lot lines to the waters edge. This supports the statement that the lake view owners do want more control and more privatization of the lake and its perimeter.

The lake view owners would continue to do the same work on behalf of the lakes that they do now. The MA has paid for the long-term repair expenses, guaranteed good for several more decades. The lake view owners would be responsible for the \$8,000 a year for water quality chemicals, divided by 54 owners = \$150 each per year, plus any other projects they want or need to do. Use the \$80,000 the MA collected in a CD up to May 2008 to do the dam and gates work for the little pond/lake.

If you want to discuss any of this please contact me.

Sincerely,

Lucy Archer  
sscommunityut@gmail.com