



SSSFHOA Board of Trustees

Meeting Minutes, March 8, 2010

The meeting, convened at Gunter's house, was called to order at 6:10 p.m.

Members present: Gunter, Vice President James Larson, Treasurer Chris Butler, Secretary Harry Fuller, trustees Brian Robertson, Richard Krebs;

Absent: Kristian Mulholland.

Guests: Bill Noland, unelected 2nd SSSHOA representative to the Master Assn. Board, Lynn Cier, bookkeeper.

Minutes. Vice President James Larson moved acceptance of minutes of the Feb. 3 board of trustees meeting, seconded by Richard Krebs. Motion approved unanimously.

Architecture Committee. One remodel plan, submitted by Bill Noland for his home, was reported approved.

CC&R Compliance. David Sanbonmatsu continues to have a parked mobile home since last fall in his driveway on Lake Front Court.

Underdrain System. Grunter advised no current problems since making repairs for Noland's property. The approaching Spring runoff will determine if last year's drain obstruction removal was effective.

Budget. Bookkeeper Lynn Cier reported that expenditures Jan 1-March 8, 2010, were \$671. She said four dues delinquencies remain from 2009 and that one lien notice had been issued. It was agreed that a letter of explanation would accompany this year's billings, which include a \$30 per unit increase for SSSHOA purposes and \$182 per unit increase in Master Assn. capital improvement assessments for a one-time repair of gates and dam profile work at the MA's small lake, an essentially private property for the exclusive use of 25 homeowners. See [1989 Private Enjoyment Easement Agreement](#).

Bookkeeper Cier reiterated that those needing dues payment delays could contact her directly for structured installment arrangements. Her phone number, she said, is: 649-8722.

When the MA presented the 200% assessment increase at their February 9, 2010 "Annual Membership Meeting" the attendees strongly protested the increase for three reasons. First, the MA had already collected for little lake maintenance and had accrued \$80,000 in a CD by 2008 for the work. Second, the assessment is for a capital improvement which requires a 66 2/3% majority vote by the General Association Members as specified in the MA Bylaws; and Third: the Members are in support of a tiered assessment system that attributes maintenance costs as proposed by the Community "Tea Party" "Community Organizer" group.

Master Assn. SSSHOA 2nd Representative to the Master Assn., Bill Noland, distributed a copy of a letter to him, as MA Board of Trustee president, from MA Counsel Edwin W. Barnes, answering questions concerning the MA's assessments, particularly "whether assessments may be made unevenly throughout the association based upon factors other than mere lot or condominium ownership."

A discussion ensued as to how this and other considerations should bear on the MA board's likelihood of adopting a "tiered" assessment for maintaining its two lakes, imposed strictly on lakeside homeowners, identified as the chief direct and permanent beneficiaries of lake views and recreation opportunities. Conclusions in the Barnes letter indicated the MA's governing documents require assessments for common property maintenance to be uniform and, would therefore, make enacting disparate assessments difficult until the MA documents are amended. Barnes statement confirms advice received from a law firm that deals solely in HOA matters. That attorney stated 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."

Further, Barnes' letter suggested changing the MA's governing documents to permit uneven assessments would also be troublesome. Based essentially on these conclusions, Treasurer Butler said he did not see how the board could approve a MA "tiered assessment," even though he said he supported such a policy. Gunter added that the SSSHOA governing documents (Bylaws and CC&Rs) require "uniform assessments." Treasurer Butler moved the board not approve an MA tiered assessment for SSSF, seconded by Brian Robinson. The motion was amended to be in effect for one year and was approved unanimously.

Discussion prompted by Noland's suggestion that the MA board of trustees would probably consider amending its governing documents to permit "tiering" eventually led to Brian Robinson, a lake view property owner, moving that the SSSHOA board decline to endorse such an action for the current budget year. Secretary Fuller, a lake view property owner, seconded the motion which eventually passed unanimously.

Noland reaffirmed that the MA's 2010 annual assessment per unit would be \$175 plus an additional one year charge of \$182 for gate repair and dam work on the MA's small privatized lake. When Bookkeeper Cier asked, "What happens when the condominium HOAs refuse to pay," Noland said liens would eventually be placed on associations delinquent in remitting MA assessments, explaining that the authority to enforce unit assessments rests with the HOAs, not the MA as the MA does not directly bill individual property owners so cannot lien individually.

New Business. Observing that board member Kristian Mulholland has missed three consecutive meetings, Gunter said the board may be required to name a replacement for him, asking board members to consider who the replacement might be, adding he would contact Mulholland about his situation and intentions.

Secretary Fuller moved adjournment at 6:30 p.m., seconded by Richard Krebs, the motion passing unanimously.

The April meeting was scheduled for the 12th at St. Luke's Episcopal Church, unless otherwise designated. (Convened at Parley's Park Elementary School Media Center Library.)