



## SSSFHOA Board of Trustees Meeting Minutes, Jan. 4, 2011

The meeting, held at St. Luke's Episcopal Church, was called to order at 6:36 p.m. by [former] President Bill Gunter. Present: William Gunter, [former] Treasurer Chris Butler, [former] Secretary Harry Fuller, Member Brian Robinson, Member Richard Krebs, Member Kristian Mulholland, Member-elect Ed Cody, Member-elect Jim Harsch, Bookkeeper Lynn Cier, Assn. Representative to the Silver Springs Maser Assn. board of trustees Bill Noland.

**Absent.** James Larson; by proxy Member-elect Tracy Douthett,

**Minutes.** On motion by Kristian Mulholland, seconded by Brian Robinson, Dec. 14, 2010, meeting minutes were unanimously approved after being amended to read in "Master Assn." section that a "no-waiver letter prepared by the MA will inform residents bordering MA-owned property that they can be required to restore such property to former condition if they substantially, unacceptably alter it." The minutes had used the word "waiver" only.

**New Board Members.** [Former] President Gunter welcomed new members elected in Oct. to the board. [According to SSSFHOA Bylaws the new trustee members elected in October 2010 should have been elected as officers at the board's November meeting. Gunter and the 2010 board technically hold no authority here or during November 2010 and December 2010 and are out of order.]

**Silver Springs Homeowners Association Bylaws:** Article VIII Section 2:

Election of Officers. The election of officers by the Board of Trustees shall take place at the first meeting of the Board [November 2010] following each annual meeting [October 2010] and each shall hold office for two (2) Years unless he or she shall sooner resign, or shall be removed, or otherwise disqualified to serve.

**Elections.** During elections of new board officers, Harry E. Fuller was chosen president; Ed Cody, Vice President; Jim Harsch, Treasurer; Richard Krebs, Secretary. On motion by Kristian Mulholland, seconded by Brian Robinson, [the suggested officers were installed without election and] were accepted as unanimous.

**CC&Rs.** During a discussion concerning CC&R compliance, [former] Treasurer Butler, a CC&R committee member, reported three letters to a resident who has stored a large boat on a driveway, violating rules against such parking, have gained neither answer nor compliance. Association member Gordon Jones, attending the meeting, said a neighbor has been parking a large construction vehicle and other "stuff" in a driveway, annoying those required to view the violations from nearby. He said no fence screens the eyesores and, although, he could probably report some of the violations to "the county," he has been reluctant to go that far. [Another long-term violator, Greenleaf Spraying continually park their service vehicles on and around Bailey's SS Lot 37 and along the Park, at times creating traffic congestion with the county buses, school buses, Park users, and traffic in general.] Mr. Butler acknowledged these and other "parking" violations and reiterated: "We simply have to find a way to get compliance with what are clearly stated requirements to keep large, parked vehicles out of sight." During prolonged discussion it was, among other things, pointed out that before fines and liens can be used, it would be

necessary to log and record the purported violations. Although Gunter advocated developing a fine schedule at the meeting, it was decided to obtain such information thought to have already been compiled by former board Vice President James Larson, absent at the meeting. It was agreed that a 10-day notice period would be sufficient when informing violators they will be fined if compliance does not occur. When it was observed that some might start court action if fined and liened, the general response was: "that would be up to them."

**Architectural Committee.** Committee Chairman Brian Robinson reported no new construction applications have been filed.

**Budget.** Bookkeeper Cier reported that of four members still delinquent in paying 2010 dues, 2 have contacted her about writing checks and 2 have made no contact at all. Additionally, she said, between 10 and 12 members having made arrangements to pay installments have remitted only one payment. The association attorney will start sending letters to delinquent members warning of property liens for non-payment [of the illegitimate MA assessment], she reported. Treasurer Butler suggested such notice explain that the property owner will also be subject to attorney fees if and when liens are ordered. Ms. Cier said the association checking account currently holds \$31,000, of which \$6,000 is from refundable security deposits. Reiterating her recommendation that a \$12,000-\$25,000 reserve be established within the budget, Ms. Cier said that might permit a dues decrease this year. Ensuing comment suggested legal costs incurred by liening might make that unlikely.

Bill Noland observed that the assn. is probably required by state law to do a thorough outgoing audit, a potentially sizable cost. Gunter reported that when he attempted to record with the county the his October Bylaws amendment -- requiring that candidates for election to the board of trustees must be association members "in good standing," meaning current in dues payments -- he was informed that a \$250 filing fee, based on number of association units, was payable. He asked if the board wanted to delay the filing so other Bylaw changes could be incorporated in the same filing at the \$250 cost. When it was suggested there was no known deadline for filing Gunter's October amendments, Secretary and board President-elect Fuller advised waiting until after a determination was made on additional changes. It was observed, for instance, that official address for the association is wrong as it currently appears on the Bylaws and that while the by-laws refer to a "corporate seal" for signing association documents, no such seal exists. [It has been suggested on a number of occasions that the association elected Treasurer should be willing and capable of performing the sundry duties of the hired bookkeeper as designated in the Bylaws, and to save the association the \$3,000 now being paid to Bookkeeper Cier.]

**Silver Springs Homeowners Association Bylaws:** Article VIII Section 11. Treasurer. The Treasurer shall receive and deposit in appropriate bank accounts all monies and other valuable effects of the Association and shall disburse such funds as directed by resolution of the Board of Trustees; shall sign all checks and promissory notes of the Association; keep proper books of account; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting.

When a discussion ensued on the advisability of obtaining liability insurance, Rich Krebs volunteered to check with the association's insurance carrier. Liability might run, it was suggested, from damage caused by eruptions from the association's discarded [underdrain system](#) that is subject to backups [on three or four properties] caused by invasive landscape roots. Some of the supposed drainage water problems are due to the artesian activities beneath our subdivision, solvable with individual sump pumps, unrelated to the under drains.] Treasurer-elect Jim Harsch added that damage [to fences, storage sheds, trees and shrubs, patios, driveways, swing sets, etc.] caused by doing maintenance on the system might also provoke liability claims, [as the fact that the system has never been completed therefore not maintained since the 1980's because its feasibility and dehydration of landscape water were cause for the association members to vote to abandon this system in 1989 when storm drains, gutters, sewer lines, etc. were then complete.]

**Master Assn.** Bill Noland, after confirming that the Master Association Board of Trustees is scheduled to vote approval for its 2011 budget at its next meeting, [[again disenfranchising the property owners from their right to vote on the proposed budget](#)], said two other MA matters will directly affect the SSSFHOA. They are: 1.) a proposal to change the MA governing board so that its members are elected by the individual HOA representatives, substituting the current board

membership, constituted of the HOA presidents or their designated representatives. [Another disenfranchising motion.] (2. A proposal for the MA to bill all HOA members directly for their MA dues, rather than, as currently, billing the HOAs, which, in turn collect the MA dues. A resulting discussion observed that the headache of collecting the annual MA dues could shift from the HOAs to the MA, but that might also provoke some **HOA members to dispute even to greater degree than they do now how much benefit they derive from the MA-owned and maintained properties**. Answering a question from Mr. Fuller, Mr. Noland said only one HOA belonging to the Master Assn. is delinquent in remitting 2010 dues [because they actually are not MA members but are being strong-armed by Noland to remain in the MA. [A Community Group of property owners submitted 212 survey ballot to the MA to resolve some of these issues but have been ignored by Noland and the MA board.](#)]

Noland solicited "any and all ideas" on how to improve the [berm at the MA's large lake northwest end](#) so it can be made more attractive for membership use and enjoyment. He said the notion of granting weighted voting to MA HOA member representation on the board of trustees is not likely to occur because of a genuine fear that the larger-sized HOA would dominate the organization. When Lynn Cier asked if it has ever been thought that one integrated HOA could replace the 12 separate ones, Noland answered that there is probably too much difference between the HOAs involved -- single family, condominiums -- their respective dues structures and ownership interests to make that feasible.

**New Business.** Vice-President Elect Ed Cody reported that a homeowner has complained to him about location of a trampoline in a neighbor's backyard. Discussion observed that association CC&R prohibitions are not supposed to cover every "unsightly, objectionable installation" in homeowner backyards, or the front of homes with sleds, skis, farm implements, etc. such as at SS Lot 36 (Diesel).

At 8:35 p.m., Jim Harsch moved adjournment, Brian Robinson seconded the motion and it passed unanimously.

*The SSSFHOA Board has not approved these minutes. They contain links, comments within brackets, quotes from HOA documents and information that clarifies topics, and inserts other neighborhood activities and opinions this Board continually disregards, ignores or suppresses.*