



SSFHOA Board of Trustees Meeting Minutes, February 10th, 2009

Board members present: Bill Gunter; Sue Pollard;
Secretary Kristian Mulholland; Treasurer Chris Butler; Bill
Noland; James Larson.

Excused: Jan Zinn. Left early: Chris Butler

The meeting, held at Gunter's home, was called to order at
6:38 p.m.

Meeting Minutes. Concerning distributing past meeting minutes to board members, since no way currently exists to publish meeting minutes [because the board cannot use the www.silverspringsSFhoa.org site since no one on the board has asked for instructions from PCWeb or the Archers on how to post the minutes, and there is a reticence to not have the minutes posted on the Association site at www.silverspringscommunity.com website], Secretary Kristian Mulholland reported he has used an e-mail link to achieve this, which, it was disclosed, has worked partially, some members either unable to open the link or not receiving it. Discussion led to agreement that continued attempts would be made to remedy the problems. Gunter observed that December minutes had not yet been approved and that they would be distributed to board members. January 2 minutes were approved.

Homeowners Assn. Website.. Treasurer Chris Butler, assigned to obtaining website transfer from former board member Lucy Archer to the current board, reported that recent attempts to complete transfer agreement have resulted in the board having full control of www.silverspringsSFhoa.com. [Either Butler did not report the concerns the Archers have given for this or these minutes do not report them. However, all the content management functions-WordPress, graphics and other items developed and paid for by the board between April and November 2006 are in full control and ownership of the board at www.silverspringsSFhoa.org.] Lucy Archer's husband, Clay Archer, stating the Archers intend to keep the cloned site, publishing it with the disclaimer that it is not the official SSFHO website. [They refuse to relinquish the cloned site they have built on behalf of the Association Members so that the content will not be censored and cannibalized by members on this board that are apparently bent on covering up their actions of Oct. 13, 2008, November 6, 2008, and December 15, 2008, plus the \$8,000 spent on legal fees for their cover up]

Butler contended the board has three options:

1. Begin its own website [already paid for and with all content developed by the board between March and November 2006 at <http://www.silverspringssfhoa.org/>].
2. *Reconstruct the current one* [remove minutes of the October, November, December 2008 activities] and file a legal action against Ms. Archer to recover SSFHOA costs spent on the site she now refuses to relinquish [and that the board has a complete copy of at the site named on "1" above, stating a couple board members intend to censor and manipulate the content to cover up their illegitimate activities.
3. Otherwise legally demand Ms. Archer relinquishes the site. In that regard he reported that good domains exist for a new website. [On March 16, 2009 Butler launched <http://www.silverspringshomeowners.com/>]

Gunter recommended establishing a new association website and proceed to legal remedy for reimbursement of the association's funds. Butler said Ms. Archer contends she, as a volunteer, spent "many" hours on the website for which she [has never requested compensation. Her work is an endowment to the Association Members and she hopes it will be used as a resource by the Association Members and as a knowledge base for the board leaders as they rotate after future elections.].

Answering a question from Board Member James Larson, Butler said it isn't expensive to begin a website.[the expense is in building, developing, and maintaining it] Gunter added he had been told the amount to start a new website could be approximately \$300. At this point, discussion moving toward lawsuit details, Gunter declared the meeting "off the record." Following discussion

of possible legal proceedings, the meeting was declared back "on the record," **Butler moving** to seriously explore filing a legal action and establishing a new website. Seconded by Bill Noland, the motion passed unanimously. See the [September 2009 minutes](#) for report of how the Court ruled against this board's legal action against the Archer's on August 5, 2009. [The communications from Butler to the Archers since October 2008 had left the Archers convinced not to trust Butler, his motives or his requests. These minutes when compared to his emails show that their concerns were justified.]

Community Underdrain Survey. [See ongoing report at <http://www.silverspringscommunity.com/utilities/water/underdrain-system/>]

Distributing a draft survey questionnaire asking homeowners members about past and present underground water problems on their properties, Gunter said the information gathered would further inform the board as to the under-drain condition and its potential for causing seepage damages. With such information, he said, the board would be better positioned to confront the abandoned underdrain system's resulting identified failures. [The underdrain system had been abandoned by majority vote of the Association Members in 1985 and 1994. The activities to re-instate portions of it that would benefit board members were done "behind closed doors."] During discussion it was decided the survey would be distributed by mail using HOA funds, and it was emphasized survey results would be kept confidential. Treasurer Butler moved work on the draft continue, seconded by Pollard, the motion passed unanimously. Citing a need to attend another meeting, Butler was excused.

Management Services. Gunter distributed a response from John Coursen, representing the firm PMA, concerning that company's possible professional management of the association's administrative responsibilities. For \$100 a unit (home), PMA would manage financial accounts, bookkeeping, financial statement preparation, dues collections, bill payments, HOA/PMA correspondence with HOA membership, 8:30 a.m. to 5 p.m., Monday through Friday, weekend on-call office services, CC&R/rules and regulation management, subcontractor bids retrievals, subcontractor oversight (grounds maintenance, snow removal, etc.), board of trustees and annual membership meeting preparation and management. Additionally, PMA's maintenance staff can do small jobs the board might require, such as mail box repair, light repairs, street light bulb replacement. Those services would be paid for based on time and materials required. Mr. Coursen added that PMA has associations with various contractors that might be useful to board and membership needs. He informed Gunter that PMA would probably not be willing to separate or reduce the number of basic services, since, as a package, they constitute PMA's minimum service. He also advised that smaller existing companies might be able to provide fewer services more appropriate to the association's needs and preferences. During a subsequent discussion, various members pointed out that among the most difficult CC&R requirement is enforcement of rules and regulations, particularly as they relate to individual property upkeep/appearance standards. It was generally agreed this stemmed from either reluctance by association members to be strict with neighbors and other membership acquaintances or sometimes frightening reaction provoked when strict compliance attempts are made. James Larson suggested the association might employ an "enforcement officer" from outside the community. Mr. Noland answered such a method should require that cited violations should first be reported to the trustees, who would then decide which ones would be strictly enforced and how that would be done.

Masters Assn. Matters. [Master Association recorded documents are listed at <http://www.silverspringscommunity.com/master-association/ma-docs-index/>] Association representative to the Masters Assn., Bill Noland, reported that the Masters attorney advised that in Noland's words "plat recording", but actually the recording of the 1990 MHOA Bylaws, created potential issues between Ms. Archer, the former board secretary, MHOA president and webmaster, and the affected property owners. Noland said the recordings did not concern lake easements. [In truth, no property owners have been or will be affected. More than a hundred property title issues have been recorded since Ms. Archer's recording of the Bylaws and none of these transactions have been affected by her actions since it is standard procedure to record HOA Bylaws, all the twelve Silver Springs Community HOA's have recorded their Bylaws.]

Duyker's "cloud" remarks are a ruse to cast aspersions on Ms. Archer and her pursuit of MHOA records and budgets, and her request that the board follow the founding documents], but, since she was a board member and MHOA President at one time, the matter may return to the homeowners board of trustees at some time [especially if the Non-Profit Corporation investigates on whether the MHOA board is following Bylaws and NPC regulations].

In reporting on the most recent Masters board meeting, Mr. Noland said it was determined that the ice-skating oval on the Big Lake (Silver Willow Lake) was not created by the U.S. Speed Skating Assn., as first reported, but by a group from Salt Lake City for its practice purposes, based on erroneous advice that all bodies of water in Utah are, in essence, public property. [See Conatser <http://www.silverspringscommunity.com/waterways/conatser-july-18-2008/>]



That's generally true, he said, if easements are to public waters. However, since the Big Lake is surrounded by private property and is owned by the Masters, it is private and the oval builders were trespassing. So informed, he said, they discontinued their efforts. He said the group may ask for permission to use the lake at a later date. But granting it would impose a "huge liability." In fact, he said, the Masters' insurance company will evaluate the situation and determine how to mitigate liability risks associated with all amenities for which the Masters have responsibility. In the meantime, he said, new and more specific signs concerning who is entitled to use the lakes will replace the current, less detailed ones. Gunter suggested the Masters consider incorporation so, the only assets it owns, being small and "pockets so shallow," that lawsuits threatening them would be impractical.

Auditing. Following Gunter's suggestion that a professional auditor be employed to look at the HOA and Masters books to "reassure everyone" about financial matters affecting both groups, Pollard moved such an action be taken, seconded by Kristian Mulholland. The motion passed unanimously, with Treasurer Chris Butler having left the meeting earlier. Gunter had emphasized prior to the vote that he wasn't implying criticism of anyone, since there was no reason for doing that, but was *only interested in fostering transparency and accuracy for all association financial transactions, which, he said, simply seems prudent.*

Misc. Bill Noland, adding to a report he made during the Feb. 2 meeting about the community's underdrain system, said a discovery during research disclosed a vacant lot at the northeast

corner of Silver Springs Dr. and Meadows Connection known as the [Creek Easement Parcel](#) and [Parcel V](#), containing a surface water catchment area and narrow sections below it that carry stream flow to the Big Lake currently lack recorded ownership. It was suggested property holders along the stream route be asked if they know who might own the lands involved. [A thorough title search conducted in 2008 by a local title company traces the ownership and QC Deeds for this parcel.]

Pollard moved adjournment. Secretary Kristian Mulholland seconded the motion, which was passed unanimously and the meeting adjourned at approximately 8:30 p.m.