



Silver Springs Master Homeowner's Association Board of Trustees Monthly  
Meeting [at St. Luke's Episcopal Church ?]  
Minutes March 9, 2010  
Meeting Not Posted

1) **Confirm Quorum:**

ATTENDANCE	
<b>1-Meadow Spring 19 SF</b>	Whit Logan
<b>2-Meadow Wild 14 Condos</b>	Rosemary Craighill
<b>3-NorthShore 90 SF</b>	Gaylynn Mooney
<b>4-Park Place 13 SF</b>	Jeff Neilsen
<b>5-Quail Meadows 18 Condos</b>	Anthony Sands
<b>6-Silver Meadows 18 Townhomes</b>	Phil Tisovec
<b>7-Silver Springs 189 SF</b>	Bill Gunter, Bill Noland (not a trustee)
<b>8-SouthShore 67 SF</b>	Steve Lo Re
<b>9- Willowbend East 22 Condos</b>	Isa Wright proxy to Gunter
<b>10-Willowbend West 26 Condos</b>	No trustee

**Proxy:** Isa Wright (Willowbend East – Proxy given to Bill Gunter), Gaylynn Mooney (NorthShore – Proxy given to Les Carriel is invalid as Les is not a trustee).

**Absent:** Willowbend East, NorthShore

**Guests:** Doug Porter (Park Place), Julia Loughlin (SSSF), Eric Fraleigh (North Shore), Chet Chimski (Ptarmigan), Kathy Higginson (North Shore), Harry Fuller (SSSF), Linda Galindo (Park Place), Lyn Cier (SSSFHOA), Les Carriel (SSSF), Robyn Bailey

**Silver Springs Subdivisions that are not Members of the MA:** Ptarmigan, Quail Meadows Townhomes, and the 4 houses on Quail Meadow Road.

2) **Meeting to Order:** 6:40 p.m.

3) **Approval of Feb. 2010 Minutes:** Bill Gunter motioned to approve the Feb. minutes Les seconded the motion [Les is not an elected trustee and is not eligible to make a motion] all were in favor.

4) **Membership Comments:** Julia commented on the three [lots that are on the dam](#) with different [enjoyment easements](#) than the rest. [The Porters SOS-44, Howard SLS-49, Groth SLS-48, Zinn SLS-47]

5) **Rules & Regs Committee Update:** They have had one meeting and are making great progress. Members of this committee, as designated by the MA board are: Rosemary Craighill, (*Meadow Wild*), Eric Fraleigh (*Northshore-lake view*), Linda Galindo (*Park Place-*

*lake view*), Lisa Kirchenheiter (Silver Springs), Julia Loughlin (Silver Springs-*lake view*) <Chair>, Doug Porter (Park Place-*lake-view*), and Michael J. West (Southshore- *lake view*).

## 6) **Standing Committee Reports**

a) Lakes: No updates. Continue to be frozen.

b) Dams: Bill Noland asked that the board to have the information on the water plant herbicide "Rodeo" ready by next meeting so people would understand what restriction we might have this spring.. "Rodeo Herbicide / Shore -Clear" is effective on nearly all emergent plants like Cattails, Grasses, Bulrushes, Purple Loosestrife, Aligatorweed and Water lilies. Rodeo is systemic - kills the roots for multi year control. For Cattail or Lily control wait until plants are mature. Apply to dry plants. No water use restrictions.

## 7) **Unfinished Business**

a) Open Secretary/Treasurer Position: Jeff Neilsen volunteered to do both positions. Bill Noland asked if anybody disapproved. Bill Gunter asked to approve him all were in favor.

b) Tennis Court Title – Continued Until Further Notice: The rightful owners of one court, Meadow Spring subdivision, are to at last provide to the MA board a lease agreement and the number of years. A lease is not a satisfactory solution for many Members. The MA has paid for the upkeep of the M.S. tennis court for 20 years and in 2007 paid for the \$70,000 remodel of both tennis courts. Meadow Spring should transfer the title for the 64' X 135' court to the MA without further remuneration or negotiating.

c) Internal Audit: Steve LoRe and Tracy Phillips, Community Members will start on this in June.

d) Lake Front Possibilities: Gaylynn has a few ideas that she will bring up in the future.

e) Legal Expenditure Guidelines: Bill Gunter sent an email [to whom?] stating the legal guidelines but so far has not received any feed back on his proposal. [See attorney Ted Barnes letter on this topic.]

f) Assessment Procedures Resolution: This will be put into a formal document such as the 1990 Bylaws and until they are complete we will use the same format that we have been doing for the past twenty years. [If the MA board really wanted to save Member money and streamline the MA along with its documents then they would take the advice of the HOA attorney who stated that [“Bylaws are not required under the current 2008-9 Nonprofit Act. Without bylaws the Nonprofit Act becomes your bylaws. If you are attempting to classify owners into one of three categories, you will need to amend your Articles of Incorporation to allow you to create 3 classes of owners, then spell out the rights and obligations of each. See Utah Code 16-6a-202.”](#) Acting judiciously would save the Members a large portion of the \$24,000 they are likely to pay to Barnes for another set of Bylaws.

g) Recording Device for Transcribing Meeting Minutes: Robyn reported that the price ranges from \$29.00 – over \$200.00. Robyn said that she thought the MA board could get a recorder for what we need for about \$79.00 Les Carriel made a motion that the board have Robyn buy the recorder for \$79.00, [Les is not an elected trustee nor a member of the MA board and therefore is not eligible to make a motion.] Jeff seconded the motion. Bill Chambers asked that we save the receipt. Phil Tisovec said he is a gadget kind of guy and would be happy to look into this. Les amended the motion to spend up to \$150.00 on a recorder with the help of Phil by next meeting. All were in favor.

h) Web Site Reminder with Assessment: Anthony said that the web site has

post cards that could be utilized to obtain a vote from the Community Members. Jeff suggested that we see how the assessment goes then make a decision of whether to adhere to the **Bylaw** rule at **Article III. Meeting of MEMBERS, Section 5A. Quorum. Fifty-percent (50%) or more of the Members, either present in person or by proxy, shall constitute a quorum for any and all purposes, except in special assessment circumstances, in which the express provisions require a sixty-six and two-thirds (66 2/3%) percent vote of the members present.**

Each HOA is responsible for plugging the [website](#) to its members.

i) North Shore Entrance Landscaping: Open until we see how much money we have left later on in 2010.

J) 2010 Assessment—Structure and Timing: Tiered Assessments are not permitted at this time, even though tiered assessments were used in 2005-6. The MA Articles do not say anything about assessments. The MA and some subdivisions' Bylaws permit only equal assessments to Members. The board would need to amend our documents by 2/3 to change our original documents. [See note on number 7f]

Timing of Assessment: Discussed something to the affect that unpassed budgets now and the later that the law says that if a board doesn't have a budget passed at the Annual Meeting by the Community Members then the previous years budget is in affect. The board usually needs extra money in the fall, as most maintenance is halted for six months of winter.

Bill Gunter asked if each HOA needs to do it the same. Bill Noland replied that we should have some sort of consistency. Steve was concerned about two bills to the Members. He believes that it is easier to collect one instead of two. The individual HOAs need to separate/ itemize the MA from the home HOA dues or fees on the annual invoices. Anthony said his association's budget was set last summer. Jeff Nielsen asked that we consider a compromise to allow each HOA to decide how the assessments are assessed, in either one or two bills. To have an amount of time to pay both assessments.

Rosemary stated that her HOA Meadow Wild, WBE, and WBW, pay their bill with reserve money then collect from each member as part of the monthly invoice. Bill Noland asked how long it would take to send out the bills. Robyn replied they would be sent out this week. Bill Chambers stated that 2010 \$182.00 for capital assessment is a large amount and that the board needs to be careful on how we sell this additional amount. Especially since there was not vote by the General Members.

Bill Noland asked the group what would be the deadline for the money to be collected. Anthony said that we need to discuss tiering. Bill Gunter suggested that we should look into tiering after this budget cycle and this would get the emotion in the Community out of the way and better establish how we would tier. The Community "Tea Party" have made a proposal See Item 3 at <http://www.silverspringscommunity.com/wp-content/uploads/2010-apr-ballot-explanations.pdf>

Anthony asked that we consider \$175.00 to be billed now and to have the potential to tier the \$182.00 amount later. Steve reminded him that he only wants to bill once so that plan might not work. Bill Chambers suggested that maybe we should go a different route. Maybe we should all pay equal this assessment for this year and the board can try to make changes to our documents so in the future we can tier if we choose to.

Steve LoRe is against tiered assessments. Bill Chambers said that nothing could change unless you have 66 2/3% of the vote of the Community Members. When he reports back to his HOA it would be nice to say the board is committed to looking into changing our documents. Les agreed that this could be a good healing position, to maybe look into and vote on a tiering system. The board has made a motion to look into changing the documents. Bill Noland asked when you open this document how would you define the tier.

Les said the ability to allow an unequal assessment may be set up through the Articles.. Bill Noland said that this was a start but it would have to be narrowed down. Steve replied that we are putting the cart before the horse.

Les asked for the option of tiering to amend the motion before the committee. [See the 2005 Budget tiering. In 2005 the subdivisions were assessed by type of residential unit. Each unit was assessed \$75 + a \$100 increase = \$175 annually

Annual assessment income was \$88,550

In 2005 there was also a Special Capital Improvement Assessment levied for the large lake clean-up:

Spec. Assess for 126 Condos @ \$180 each = \$22,680

Spec. Assess for 322 Sgl Fam @ \$225 ea. = \$74,700

Spec. Assess for 56 lakeview lots @ \$270 ea. = \$15,120 ]

Steve believes the MA board would be creating classes of people not just lake view owners but parks, tennis, etc. The board is not creating classes, it would be recognizing and using existing residential unit types to simplify and equalize the costs of the Common Areas. [The Community "Tea Party" ballots indicate Community Members are in favor of this arrangement.]

Bill Chambers motioned that we establish a committee to determine legally on tiering. The committee would report back to the board on possible structures for the next years. Whit seconded the motion.

8) **Budget** - The 2010 Budget YTD expenditures were not discussed. A Profit & Loss Statement was not provided. There was no board review of income and expenditures.

9) **Open to Guest comments:** Eric Fraleigh, a lake view owner, wanted to make sure the board really looks into the possibility of tiering. Bill Chambers responded that not everybody may agree. Harry Fuller, a lake view owner, asked how the committee would be formed. Julia Loughlin, a lake view owner, asked about the equality and fairness of a tiered system and would we also change the voting system to be more fair. Bill Gunter reminded everyone that each HOA has their own CC&R'S and each HOA should know their documents. His HOA can not send out different bills they all have to be equal. All were in favor

Les asked to make a motion to make an amendment of unequal assessments. Les could not make the motion at this time since the MA documents do not at this time support unequal payments and he is not an elected trustee, neither is he a member of the MA board. Les was encouraged to come back to the board with a proposal with verbiage to state his motion. The board did not extend or include the proposals it has already received from the Community "Tea Party" group and petitions and letters from various Community Members.

Anthony asked that he be on the committee that looks into tiered assessments and he thought that Bill Noland should be included since he has a lot of knowledge with our

documents and he asked that Whit consider joining. [It would be a responsible and logical gesture to also include members of the Community “Tea Party”] Bill Noland asked when we need the 2011 budget started. Robyn said we usually start in September and the Bylaws state the General Members then vote in November at the Annual Meeting..

Bill Gunter motioned that the 2010 budget not be tiered. Jeff Neilson seconded the motion.

Les responded that we can not tier because at this point our documents do not allow it. He reminded us that four years ago we did vote on a document where it was provided to allow tiered assessments. Bill Noland said that at the time it was not recorded because the signatures were not notarized and that our documents required us to have 100% approval and we were lacking two signatures. State Law now says that you need 2/3 vote you can't require 100% but at the time the document was drafted that was not the case..

Bill Gunter asked why the \$182.00 extra this year is not called a special assessment. Bill Noland replied that special assessments are for the unexpected this project is planned and expected. Actually the Bylaws refer to the assessment as a capital improvement. Bill Noland asked what is a reasonable amount of time to expect the payments back in. Jeff said that we sound like we are making resolutions for the assessments. Bill Noland responded that we are discussing guidelines. Jeff said that we should just send the bills like every other time and not be argumentative. Bill Chambers agreed with Jeff to do what has been done in the past.

The first assessment of \$175.00 is due in 60 days and the second assessment of \$182.00 is due 60 days after that. This could be sent out in one bill. Jeff motioned to bill \$175.00 due by May 15, 2010 and \$182.00 due by July 15 with appeals made prior to these due dates. Bill Chambers Seconded the motion All WERE in Favor

<b>VOTE TALLY</b>			
<b>1-Meadow Spring 19 SF</b>	Whit Logan		Y
<b>2-Meadow Wild 14 Condos</b>	Rosemary Craighill		Y
<b>3-NorthShore 90 SF</b>	Gaylynn Mooney	Invalid proxy	P Y
<b>4-Park Place 13 SF</b>	Jeff Neilsen		M Y
<b>5-Quail Meadows 18 Condos</b>	Anthony Sands		Y
<b>6-Silver Meadows 18 Townhomes</b>	Phil Tisovec		Y
<b>7-Silver Springs 189 SF</b>	Bill Gunter, Bill Noland (not a trustee)		Y
<b>8-SouthShore 67 SF</b>	Steve Lo Re		Y
<b>9- Willowbend East 22 Condos</b>	Isa Wright proxy to Gunter		
<b>10-Willowbend West 26 Condos</b>	No trustee		

8) New Business: Non-Uniform / Unequal Tier Committee will be formed. Anthony stated that a fact finding committee should have plenty of help. Maximum of 7 but more than 4 should be on it. Bill Chambers request a charter for this group. Anthony, Whit, Bill Noland, Les, Gaylynn and Bill Chambers to work together writing a charge to the committee. Bill Noland asked who the committee would be board members or non-board members. Jeff said he would like it to be board members. Bill Noland asked Bill Chambers to report what the charter finds to the board no later than Sept.1, 2010. Bill Noland stated that each board member should or could be present if they so desired.

9) Confirm Next Meeting : April 13, 2010, Location?

10) Adjourn: 8:35pm Jeff motioned, Whit seconded, all were in favor.