

## SUMMER LAKE HOA BOARD OF DIRECTORS MEETING MINUTES

Thursday, December 15, 2022 @ 6:30pm

1. Verify Quorum & Call to Order -Meeting Called to order by Board Chair Jason Rogers. Attendance and of the Board and Committees was taken. Patricia Krajeck, Jason Rogers, Nikki Burton, Rose Jungkind and Kevin Banton Present. (Board Member Stephen Jacobs-Absent) Various homeowners.

2. Approve Meeting Minutes: 10/26/2022-Board chair Rogers noted that the 10/26/22 meeting minutes were missing notes regarding the need for upcoming winter planning session to be held in November or December to allow for planning and proper communication to the HOA members regarding the annual meeting. The Board goals included improved communication and transparency with the HOA Members and Chair Rogers noted a need for a planning meeting to communicate the budget and meeting dates as soon as possible. Board member Jacobs concurred. A meeting was to be planned for 11/30/22 or possibly December if 11/30 did not work. Chair Rogers recommended an edit to include the above notes in the 10/26 minutes. Board Member Krajeck agreed to the edits and made a motion to approve the minutes with the noted edits. Chair Rogers seconded and the minutes were approved.

### 3. Updates:

a. Management 2022 Year Report (insert update as an addendum to the minutes) Chair Rogers read the update by the Management Company. Chair Rogers noted and commended the accomplishments of the Board, committees, and the Management company, highlighting the neighborhood survey, goal setting and noticeable improvement of properties conforming to our rules. Board Member Krajeck echoed those highlights, and also noted we still have a ways to go with some of the rules being followed and enforced (trash/recycle can placement, entrance landscaping). A HOA Member noted the vast improvement in the look of many of the homes in the neighborhood properties and thanked the board for their work.

### 4. Old Business:

#### a. Homeowner Request –

1. Dumpster Request (Glacier Lilly)- Chair Rogers read the request by the property owner to place a dumpster in front of their home for an undefined period of time for a home improvement project. This is the same home where a dumpster sat in front of the home for 1 year, with the board requesting removal in October 2022. The Dumpster was removed on 12/12/22. The homeowner is requesting that they be allowed to have the dumpster in January but did not state how long the dumpster would be in place. The Board discussed concerns by neighbors near this home about the dumpster, pests that may be attracted to the dumpster, and what rules could be enforced or apply to this dumpster. It was noted there is nothing that explicitly defines for how long a dumpster can be in place in the Summer Lake HOA Rules. The closest interpretation are the rules around trash and recycle containers. Chair Rogers noted there are other dumpsters in the neighborhood currently, but these generally are in place less than a month. Board Member Krajeck offered that the homeowner does have noted health conditions noted in their request, which impact the speed of their self-administered project; however, we need to establish a reasonable timeframe as to address immediate neighbor concerns balancing those with the needs of this homeowner. Both Chair Rogers and Board Member Krajeck noted concerns regarding the placement/removal/placement/removal pattern of a dumpster and the disruption this causes to

neighbors and to the homeowner. The board inquired about what a reasonable amount of time for the completion of this project would be, noting the past year the dumpster was in place and after a board-initiated removal and the return of the dumpster 1 month later. Chair Rogers proposed a recommendation to clarify the time frame for the dumpster and to contact Pride Disposal or similar company to see if we can establish an average period of time a dumpster is rented for home/neighborhood use. The board could then review this information, correspond online to approve, decline, or offer alternatives to the request. Board Member Krajeck agreed. This request was deferred to until the requested information is received regarding timeline and average dumpster timeframe.

2. Trash/Recycle Container Request (Summer Lake Drive)-After the October inspection a homeowner who was cited for having their trash/recycle bins not meet the defined rules of the CC&R's was asked for an exception to allow for her cans to remain in front of her home to due to limited space on the side/back yard. Chair Rogers read the language of the CC&R's and noted concerns regarding allowing for exceptions to these rules. Offering one off exception creates a precedence that Chair Rogers noted he was uncomfortable with as it relates to management of this and enforceability of the current CCR's and future requests for exceptions. Board Member Krajeck noted her agreement with Chair Rogers concerns and opined that the rules are very clear and that this has been a focus of the current and past boards. Chair Rogers noted while there are concerns noted over available space in the garage or back/side yard, screening options are 1 solution that the property owner could use to shield her cans from view without having to put them in the back yard. Chair Rogers noted there are likely a few other solutions that could be explored in order to comply with the current CC&R's. Chair Rogers also noted the spirit of the rule and why it was created is important. There are many ways to comply with this rule and the overwhelming majority of homeowners comply with this rule. Chair Rogers noted the Boards purpose and legal obligation is to enforce the current rules. There is a process to change those rules and members of the HOA are encouraged to volunteer their time on the board as a way of enacting change. Chair Rogers noted he would be willing to meet with the property owner if desired in order to explore options and alternatives. The request for an exception was denied by Chair Rogers and Board Member Krajeck.

#### 5. New Business:

a. 2023-2024 Budget Discussion -The board reviewed the proposed FY23 budget put together by the Management company. Chair Rogers noted that the request of the Board was to not increase dues, but also noted that the current contract calls for a guaranteed annual increase for the contract holder. Chair Rogers commended the work by the Management company for meeting this request. Board Member Krajeck noted we had some cost savings and areas that we had underspent last year that allowed us to absorb the automatic annual increase. Various homeowners who were attending the call noted appreciation of the work by the board to stabilize HOA annual dues. Chair Rogers noted the message around escalating dues was heard loud and clear in the neighborhood survey by the Board and appreciated those who participated. Questions regarding the status of our landscaping and flower basket contracts and whether there was potential costs savings there were made by various homeowners the call. Chair Rogers noted each of these contracts needs to be reviewed on a scheduled basis as well as the HOA Management company contract which automatically renews (with board approval) and includes a guaranteed annual rate increase. Chair Rogers noted this would be a topic for later in the meeting, the open forum. Chair Rogers stated he did not know the status of the landscape contract comparison that was done, but inquire from CAP. Chair Rogers explained the the survey

showed the majority of homeowners supported the flower baskets. He noted that this contract is reviewed annually and a recent comparison showed that watering is the major factor. The current vendor provides watering, others do not. We are getting the best deal for what we are contracted for largely due to how long ago we established this contract. This is also a contract that should be reviewed regularly. The Board approved the FY23 draft budget noting the next step would be the annual meeting where all owners would vote on the budget.

b. 2023 Annual Meeting Plan-Chair Rogers noted that there was a desire by the Past Board and the Management company to move the annual meeting to February. There was some confusion regarding what the rules stated as far as the timing of the meeting. Complicating this is the timing of the fiscal year (FY). Past interpretations of the CCR's note that that the meeting should be held in February of each year, with the start of the FY beginning in April. Past precedence and the 4<sup>th</sup> amendment of the CC&R's establishes the annual meeting in March of each year. An Emergency Meeting can be called for certain conditions, something last years board attempted to do in February 2022 to better comply with the start of the Fiscal Year. There was a fair amount of controversy about what was happening, why the meeting was being changed from its regular time, and whether there was adequate communication. Chair Rogers noted that this was one of the reasons he returned to the board, was to improve transparency and to sort through this confusion. The Annual Meeting based upon the 4<sup>th</sup> amendment/bylaws notes: Meetings. The Board shall meet at least once per quarter to conduct Association business. A majority of board members present shall constitute a quorum at Board meetings. The annual membership meeting of the Association shall be held in March of each year. The Board may call special membership meetings at any time. All membership meetings shall be preceded by a written notice to the membership at least fifteen (15) days prior to the date set for such meeting, stating the time, place, and purpose for such meeting. A quorum for the membership meeting shall consist of ten percent (10%) percent of the members entitled to cast votes present in person or by proxy. Members may vote in person or by proxy at any meeting, and a majority of those present and voting may pass any motion presented at the meeting, including the approval of the annual budget.

Chair Rogers noted that if we need to change the meeting date then we should actually consider doing this formally in the CC&R's bylaws in order to better align with our Fiscal Year, something that could be the focus of next years board. Chair Rogers offered that while the timing of the meeting and the start of the fiscal year is not perfect, we have made it work the past several decades and that this year we should do the same until the rule can be officially changed. This is a topic that could be presented at this years annual meeting and the work could be done to formally make this change. Board Member Krajeck agreed. Chair Rogers noted he would work the Management company to express our intent. Various homeowners and committee members provided input that the annual meeting is in March and the affirmed the bylaws stated this. They offered support that if we made changes they should be done formally with a rule change. It was noted the annual meeting and budget have always been done in March and that if this changes without a proper rule change and explanation, this will create concerns and confusion for the owners.

Chair Rogers asked those on the call what their thoughts were on an in person meeting, online meeting or some sort of hybrid meeting. The consensus was largely a hybrid type meeting. Chair Rogers noted we would need to find a place and inquired as to where that might be. He noted the Westgate Church near the neighborhood was a place we had traditionally met, why did we stop meeting here and where there concerns about this location. Nobody on the call recalled why or issues. Chair Rogers said he

would attempt to make contact with Westgate to see about availability. Kevin Banton noted most people are used to online but having an in person option seemed reasonable. Hybrid meetings can be tough to pull off he also noted, but are doable. Chair Rogers asked about ideas for the annual meeting outside of the election, year in review and annual budget. He noted that in years past we have included outside speakers of interest. He noted that we could ask the current council or mayor, police, or fire to come and speak on a topic. Board Member Krajeck offered her support of this idea and also offered maybe a conversation around pests/rats and how to prevent/deal with these. Various owners on the call echoed this support. Kevin Banton noted the importance of speaking on topics related to Summer Lake. Chair Rogers said that he would reach out to try and schedule additional speakers once our meeting date had been established. An outside speaker will be added to this year's annual meeting agenda.

Chair Rogers stated that he would support stepping back as Board Chair to allow others who are interested in this opportunity to lead. He also noted that he would consider staying on as a Board Chair if needed, but only if it was an opportunity to mentor a future chair. Board Member Krjeck also noted her desire to continue on the board in her current role. Chair Rogers encouraged others to step forward and stated he had ideas of future candidates for future Board members-he would be reaching out to those people to encourage them to apply. Chair Rogers noted that the job of the Board is very straightforward and because of the management company, less cumbersome and time intensive than when he was on the board in the past. Various owners offered their support for the current board noting improvement in transparency, communication, and the look of the neighborhood. Praise was also offered by the owners in attendance on the current board's direction on keeping dues flat this fiscal year and a review of the contracts.

Chair Rogers asked about the status of the next newsletter and inquired about needed timing to be sure we properly inform our owners about the upcoming annual meeting, budget and plan. Nikki Burton noted that one member of the Newsletter committee was no longer living in Summer Lake and she inquired about Rachel Costa's availability. Rachel (see chat addendum) was available to help. Nikki noted she just needs content. Chair Rogers asked the ARC committee to prepare a topic around ARC approvals. Kevin Banton and Rose Jungkind will collaborate on content and will share a draft with the board around January 5<sup>th</sup>. Nikki has asked for all content to be to her by 1/5/2023. Chair Rogers will provide content as well.

c. 2023 HOA Focus/Goals-Chair Rogers discussed the value of the 2022 Neighborhood survey and encouraged the current and future boards to continue this survey as a tool to communicate with the ownership group and to establish annual goals/direction. He can also use the tool to track our progress.

## 6. Open Forum

a. Chair Rogers noted the Contract between CAP and Summer Lake was an annual contract, renewed by the board-but that it had an automatic escalating rate adjustment and there were no performance criteria associated with a renewal or increase. Chair Rogers expressed his concern and desire to see this changed. He noted that a contract should be renewed, and a rate adjusted based upon a work being completed or not. Chair Rogers noted 1 example from the past year, that only 2 site visits/inspections were completed this year and the contract clearly states that 3 are to be performed. Chair Rogers noted that while he feels there is an absolute need for a management company, the way the current contract is written offers little to Summer Lake as to performance expectations by the contract holder yet

guarantees an automatic rate adjustment regardless of expectations being met or not. Board Member Krajeck noted her agreement and stated that she would like to see the contract reviewed and to include some form of performance criteria for renewal tied to a rate increase. Various owners also inquired about the contract and whether we needed a management company. Chair Rogers noted this was a question and concern raised in the Survey, but the majority of survey respondents felt there was a need for a management company and contract. Chair Rogers also offered that there noted discrepancies between the CAP 2020 Scope of Services Document and the agreement/contract that was signed. These included: Four onsite reviews and attendance at three meetings and the annual meeting. The current contract provides for 3 site visits and attendance at 2 meetings plus the annual meeting. If the past board made their decision to contract with CAP based upon the 2020 scope document, this was not reflected in the contract signed by the past board. CAP is very diligent in pointing out what is allowed in the contract and what is not, likewise the Board should hold CAP (or any contracted entity with the Summer Lake HOA) to the expectations outlined in this and future contract. Chair Rogers noted this should be clarified as well. Board Member Krajeck offered her support of this clarification. Chair Rogers suggested that next year's board negotiate with CAP on contract changes for FY24 and may consider Solicitation of Services or RFP process with other Management companies to ensure we are maximizing the value for the owners' dollars being collected. This review should include what was originally scoped in the 2020 scoping document as a baseline for a future contract renewal. There should be a formal review of all contracts scheduled at least every 2 years to ensure the value of the contract is maximized and that the needs of Summer Lake are being addressed satisfactorily. Board Member Krajeck concurred and offered her support of a scheduled review of all contracts and establishing some form of performance criteria to renewal and rate increases. Chair Rogers also noted a desire to see all current signed contracts to be placed on our website to increase transparency for the ownership. This would allow all owners to see how their money is being used, increasing transparency. Board Member Patricia Krajeck and others on the call voiced support of this recommendation.

b. Owner Andy Sprague noted asked what the process would be to change the CC&R's to allow for Garbage Cans in plain sight. Chair Rogers noted that this would require a rule change of the CC&R's and that the best way to do that would be to become a board member and gather support for a rule change. This would require a majority defined in the CC&R's to approve the rule change. Chair Rogers noted this a big process but certainly something that was doable if the majority of the ownership group felt this was a worthy change.

c. Another owner approached the board about what needs to go through a ARC process? He is having drain/gutter services done and this impact the piping that runs from his gutter to the sidewalk/road. Chair Rogers offered that any work that is done that may affect the look for your home should use the ARC review process. The ARC committee may process it and say nothing is needed from them, but that this was best way to ensure that owners follow the process for home improvements. Chair Rogers referred to the current CCRs as a reference noting they were online as well as the ARC form and submission criteria. Rose and Kevin from the ARC offered their support and had questions on the project. The owner will submit an ARC request in the future

7. Adjournment Meeting was adjourned at 08:00 pm

Notes from the ZOOM Chat:

From Rachel Costa to Everyone 07:15 PM

Yep, I'm back! Definitely happy to help :)

Sounds good to me!

From Nikki Burton to Everyone 07:19 PM

having bought and sold 2 houses within this neighborhood I can confirm CAP could have some improvement in this area

From Rachel Costa to Everyone 07:23 PM

Either works for me, I know hybrid can be tough to set up but it would be nice to cater to everyone!

From Andy Sprague to Everyone 07:48 PM

How would we request a vote to adjust clauses in the CC&R? I think a lot of people don't have options to put garbage/recycling/yard debris out of sight. I think it would be more reasonable if it allowed the garbage in certain areas, but in sight.

ok