

Highlands Ranch HOA
Board Minutes for Regular Meeting
3-25-2021

Meeting called to order by Jo Ann Browne at 6:11 PM

Roll Call: Board present: Jo Ann Browne, David Cerminaro, David Thackrey, Max Martin. Board absent: Joe Zimmerman.

Guests: Jimmy Junkin, Pat Hopkins, Martha Grant.

Approval of Prior Regular and Executive Meeting Minutes – for 02/25/2021

Motion to approve by Max and 2nd by Jo Ann. All approved.

Guests to Discuss Non-Confidential Matters: None

Committee Reports:

- ACC, Welcoming & Gate – Pat Hopkins, Committee Chair:
 - ACC Approvals: None. Discussed that any secondary building has to match the design, color and roof of the main building. Also, discussed that Denton had asked the opinion of our ACC on granting variances for construction of a new home at the corner lot at Ranchland View and Ranch Crest, to allow for a front setback variance and a flat roof house variance to which the ACC did not object. No new welcome kits delivered.
 - Gate issues: Discuss status of \$33650 insurance claim for destroyed exit gate on 11/5/20. Eva Hecox recently informed us that it looks like our insurance company will pay the total. A new gate loop has been placed further back to open the exit gate sooner. The new gate system that was installed included \$6,000 in safety upgrades.
 - Stone Walls: We have a bid to repair the stone walls and monument, including moving higher the HOA name on the monument and replacing the lighting for \$8500, which exceeds the budget of \$3,000. Max made a motion to approve and David C. seconded and all voted in favor. Pat also mentioned that ~~\$6800~~ ^{11,000} had previously been approved for new lighting at the front. (yB) *wt*
- Roads and Safety—David Thackrey, Chair:
 - VKK has completed the drainage construction and the repaving. Original plans called for the pipe to end north of the existing ranch fence on the south side. JoAnn approved adding

another 20 feet to get it inside the fence and farther out of sight. With Steve Brown's help, we negotiated VKK down from a proposed \$13000 change order to \$2000 to extend the pipe.

- Discussed speeding and possibly installing cameras and radar gun to control speed in the neighborhood, which could result in assessing fines to violators. David T. will review this again and present a proposal to the board.

- Sealant at 27751 Ranch Lane was completed.

- Finance and Oak Wilt – Jimmy Junkin, Chair:

- **Prior Month's Financial Reports.** Board members provided a copy, including email from Jimmy to DAMC with questions. At 2/28/21 there were 11 accounts that have received the first delinquency letter (over 30 day past due), one has received the second letter (over 60 days past due), and 2 that have a payment plan. The payment plans were granted without the HOA's approval. Jimmy reminded Eva Hecox that any plan must have the approval of either the President, Treasurer or Assistant Treasurer. There were no member accounts at the attorney for collection at 2/28/21, but one is currently being sent to attorney. There was one continuing DCCR violation reported by DAMC regarding leaving the trash containers on the road.

- Oak Wilt. No report.

- Beautification--Lil Rogers, Chair (via email report):

- Due to construction, put Panache on hold for 3 weeks. Booked 45 hours for future use.

- Bids for repair of the landscaping and irrigation on the north side of our entry outside the gate need to be obtained. The settlement agreement calls for the developer to pay us up to \$20,000. We have budgeted \$30,000.

- Social – Max Martin:

- After much discussion, it was agreed that we would try to have a social event at Mi Casa Tamale on September 16. This will be combined with a question and answer session dealing with two amendments in the DCCR prior to a 10/21/21 special meeting to vote on these (see Special Meeting below).

- Mary Teders offered to host the 2021 Christmas party. She will provide more detail later. Pat will also look into having the Halloween hayride/block party this year.

- Communications – Martha Grant, Chair:

- Please provide Martha any input for next newsletter

- Discussed reporting license plate and car of residents who speed in the newsletter. No conclusion reached.

Ratification of actions between meetings (e.g., email decisions). None.

Special Meeting for DCCR Amendments.

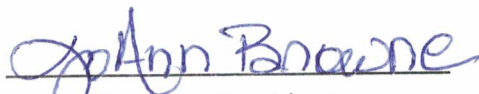
- After discussion, it was agreed that a special meeting will be set for October 21, 2021 to vote on the two amendments that did not get enough votes (need 88) at the last annual meeting. This date is the same date as the regular board meeting, which will be held at Fair Oaks Country Club in the board room. Thus, there will be room for only board members; so other members will be able to attend via ZOOM. Per discussion with Tom Newton on March 15, the previously proposed revision to Article XII is being deleted and, instead, added to Article IV as another easement provision with revised wording based on suggestions at the annual meeting. The two revised amendments were presented to the board. The Notice of Meeting and other documents will be sent to members shortly after the board meeting on August 26, giving owners up to 60 days to consider and vote by absentee ballot. A question and answer session will be held on September 16 to discuss these amendments (see Social above). Motion made by Max, seconded by Mary; all voted to approve, except for David C. who voted not to approve. Thus, motion passed.

Next Board Meeting: Jo Ann set the next regular meeting for April 22, 2021 at 6 PM @ Mi Casa Tamale for in-person attendance.

Other Business: None.

Adjourn: There being no other business, motion to adjourn by Max; seconded by David T. The meeting adjourned at 8:13 pm.

Respectfully submitted,



Jo Ann Browne, President



Mary Teders, Secretary

**Highlands Ranch HOA
Amendments to Declaration of Covenants, Conditions and Restrictions (DCCR)
Special Meeting on October 21, 2021**

Introduction: In the past two years, the Board has had a few DCCR violations with which to handle. These resulted because the Lot Owners either (1) had not obtained approval of the Architectural Control Committee for construction and/or (2) violated the DCCR requirements for building setbacks and/or (4) eliminated vegetation in the conservation area of their Lot. In a couple of instances, the Owners were not overly cooperative, causing much unwarranted time on the part of the Owners and the Board, including consultation with the HOA's attorney. Because of these situations, the Board has consulted the HOA attorney for advice and has voted to present the HOA Members with the following two DCCR amendments which the Board believes will make such situations rare.

In considering your vote, the Board wishes to remind you that the DCCR sets forth provisions that are intended to benefit each homeowner and all homeowners as a group by providing protection for our individual properties and our subdivision as a whole.

A. Article IV---Subdivision Plat and Certain Easements and Use.

1. In addition to the existing four sections in Article IV, the following new Section 5 is proposed:

“Section 5. Inspection Easement. The Association is hereby granted an easement to enter each Lot in the Subdivision to inspect the Lot and the exterior of all improvements on it in order to determine whether any condition, object or activity on or associated with the Lot may constitute a violation of the Declaration. Such easement shall be subject to a requirement that the Association provide the Owner of the Lot a written notice (by mail or e-mail) at least ten (10) days prior to the date of the intended entry. Furthermore, the Association shall inform the Owner after an inspection has occurred of its occurrence and of its outcome.”

2. Reason for amendment.

Article XII—Enforcement, Subsection 2 in the first paragraph, states that the Association has the following enforcement authority: “The right of the Association to enter the Lot to cure or abate such violation through self-help and to charge the expense thereof, if any, to such Owner, plus attorney’s fees incurred by the Association with respect to the exercise of such remedy.”

Since the existing wording in Article XII is not clear on whether the Association’s Board can enter a Lot to determine whether a DCCR violation exists, the HOA’s attorney

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recommends that this be made explicitly clear by the addition of the above provision to Article IV. Without this new provision, it will continue to be difficult and time consuming for the Board to enforce Article XII, Subsection 2, as it has been in the past as stated in the "Introduction" above. Typically, the Board does not become aware of a violation unless one Owner informs the Board of another Owner's violation.

B. Article XIV—Interpretation.

1. This existing article of the DCCR states the following:

"If this Declaration or any word, clause, sentence, paragraph, or other part thereof shall be susceptible of more than one or conflicting interpretations, then the interpretation which is most nearly in accordance with the general purposes and objectives of this Declaration shall govern."

2. The proposed amendment is to add the following sentence to the existing wording:

"However, whenever there might be an issue as to the interpretation of any word, clause, sentence, paragraph or other part of the Declaration, the Board shall have the authority by a majority vote to make such interpretation, including the definition of words."

3. Reason for amendment:

Even though the Board believes it already has the authority requested in this amendment, the manner in which the existing legalistic wording is framed might cause a lack of clarity. In case this happens, the additional wording will clearly allow for the Board to eliminate the lack of clarity.