

**Highlands Ranch HOA
Board Minutes for Regular Meeting
4-22-2021**

Meeting called to order by Jo Ann Browne at 6:01PM

Roll Call: Board present: Jo Ann Browne, David Cerminaro, David Thackrey, Max Martin, Joe Zimmerman. Board absent: none.

Guests: Jimmy Junkin, Pat Hopkins, Tom Newton.

Approval of Prior Regular and Executive Meeting Minutes – for 03/25/2021

Motion to approve by Max and 2nd by David Thackrey. All approved.

Guests to Discuss Non-Confidential Matters: Tom Newton attended to discuss the amendment to DCCR, Article XII (see attached Version 4).

(1) Tom discussed the latest amendment to DCCR that was provided to him regarding the right to enter a lot to see if a violation exists. The board discussed the need for documented evidence of violations to the satisfaction of the majority of the board. ACC cannot police DCCR violations, as this is the board's job. Per Tom, the enforcement clause is an easement written as an in-person inspection prompted by the board. Tom discussed the terms "easement" and "right." He stated that, regardless of the wording used, any right granted to the board to enter an owner's lot is legally an easement. He agreed the board currently needed to have proof of a violation in order for it to enforce the existing "cure and abate" provision. He also agreed that the best way for the board to be able to enforce this is to first be able to enter a lot to verify whether a violation exists; otherwise, it is almost impossible for the board to enforce the cure and abate provision. He also noted that there is a 4-year statute of limitations for DCCR violations that occur with or without the board's knowledge. It further stated that flying drones over an owner's lot to inspect is not legal. Jimmy pointed out that our DCCR already has a provision prohibiting flying drones over another owner's lot. Tom Newton suggested the use of a rangefinder to help inspect potential violations. David Cerminaro offered to buy one for Pat Hopkins for this purpose.

(2) Tom was excused and the board continued to discuss the wording for the amendment. The consensus was for Jimmy to revise the amendment to include the following points and that the revised amendment would be presented at the May 27th board meeting for a vote:

- A decision to enter a lot to verify a violation must have a majority vote of the board.

- A potential violation must be provided to the board in writing.
- The amendment does not need the phrase at the end of the currently proposed wording that states “but this remedy will only apply if the owner refuses to cure or abate a violation in accordance with the request of the board.”

ACC, Welcoming & Gate – Pat Hopkins, Committee Chair:

- ACC Approvals 4/5/21: Iverson, 27311 Ranch Crest, approval for 12 foot setback for enlarging his well house. 4/8/21: Raimondo, 27314 Ranchland View, approval for pool and patio. 4/9/21: Tucker, 27216 Ranch Creek, approval for partial perimeter and interior ranch fence. Discussed the need to ask Guitierrez to remove their trash cans off the street.
- Gate issues: Stone repair estimated at \$8,500 is one week behind due to contractor illness. Repairs will be made to the limestone walls as the caps are broken.
- New Member Kits: One to be delivered to Ermilio Dilley at 9414 Highlands Cove (formerly Jenkins residence).
- Landscaping and irrigation restoration: Bids are being obtained. There is 1 to 2 month delay for landscaping, irrigation and masonry due to increased demand from the February ice and snow storm. The repairs will also include completely redoing the shrub bed retainer wall on the northside of the entry. All of this is part of the reimbursement to be obtained via the settlement agreement with the developer.

Roads and Safety—David Thackrey, Chair:

- Discussed the Traffic Logic System. Camera systems to reduce speeding: (1) digital speed sign \$2,000 with \$400 annual fee- will monitor speed and time of day. Battery and/or Solar powered. (2) Speed awareness camera \$7,000-\$12,000 with \$1,750 annual fee to collect data- will take a picture of the license plate and has software that will generate a citation. Board then decides what to do with the citation. Consensus was to first look at renting a speed traffic trailer that flashes a strobe light and decide later whether to buy one. JoAnn also requested that David look into buying refurbished equipment.

Finance and Oak Wilt – Jimmy Junkin, Chair:

- Prior Month’s Financial Reports. Board members were copied on the email from Jimmy to DAMC with questions. At 3-31-21, there were 2 delinquent accounts that have received the second letter (over 60 days past due) and 2 have payment plans. Two accounts (one had a payment plan) have been sent to the attorney for collection in April.
- Oak Wilt. Continue to discuss future oak wilt issues and possible remedies. Burden may become too great for homeowners and they may refuse to pay anymore to treat trees. Discussion included the possibility of the board setting up a reserve fund to

accumulate money for the HOA to pay for at least certain amounts of the cost of treatment and that the board will continue to consider this.

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

- Working on getting bids for restoration of damaged landscaping and irrigation at front. Bid from Moore on irrigation of \$6,395 has been accepted. Waiting on bid from Panache for their bid. Will visit with one other for landscaping bid. If we use Panache, they cannot get it done until June. Also getting bid from stone mason to replace and extend the low stone container wall around the oak tree bed. Our settlement with Rajeev gives us up to \$20,000 for restoration of damaged landscaping and irrigation. We have budgeted \$30,000.
- We are using our banked 30 hours with Panache for them to trim the dead shrubs caused by the freeze. The viburnums that look dead actually are not dead per Panache. They say the root system is strong and alive.
- Discussed vegetation behind the Highlands Cove guardrails. It was noted that this is private property and therefore not under the care of the landscaping committee. JoAnn will send a letter to the resident to ask them to trim the dead vegetation.

Social – Max Martin, Chair:

- At the last meeting, a decision was made to have a social meeting at Mi Casa on September 16, which also includes a Q&A on the DCCR amendments.
- Pat will help on a Halloween hayride and party.

Communications – Martha Grant, Chair:.

- April newsletter has been emailed.

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

Next Board Meeting: Jo Ann set the next regular meeting for May 27, 2021 at 6 PM at Fair Oaks Country Club in the boardroom.

Other Business: It was noted by Tiger Sanitation that one resident is using Waste Management instead of Tiger. JoAnn will call and discuss this with the homeowner.

Adjourn: There being no other business, motion to adjourn by Max; seconded by David T. The meeting adjourned at 8:18 pm.

Respectfully submitted,



Jo Ann Browne, President



Mary Teders, Secretary

VERSION 4

Article XII—Enforcement.

- A. The existing first paragraph and Subsection 2 of the first paragraph in Article XII states the following:

“In addition to the remedies for enforcement provided for elsewhere in this Declaration or by law, the violation or attempted violation of the provisions of this Declaration, or any amendment hereto, or of any guidelines, rules, regulations, bylaws, or Articles of Incorporation herein referenced or permitted, by any Owner, his family, guests, lessees or licensees shall authorize the Association (in the case of all of the following remedies) or any Owner [in the case of the remedy provided in Subsection 4, below], to avail itself of any one or more of the following remedies:

2. 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;”

- B. The proposed amendment is to revise this Subsection 2 as follows (the change is in bold type):

“2. After giving the Owner a ten-day written notice, the right of the Association (1) to enter the Lot to verify whether a reported violation actually exists and/or (2) to enter the Lot to cure or abate any 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, but this remedy will only apply if the Owner refuses to cure or abate a violation in accordance with the request of the Board;”

- C. Reason for amendment:

The existing wording grants the Board the right to enter a Lot to cure or abate a violation of the DCCR but does not specifically give the Board the right to first enter a Lot to verify whether a violation exists. Lacking this right makes it difficult, if almost impossible, for the Board to enforce the existing “cure or abate” provision if the Board cannot first verify that a violation actually exists. The Board has experienced this difficulty on two occasions recently, which required much time and communications with the Association’s attorney that could have been avoided had the above provision had the revised wording. The ability of the Board to verify whether a violation exists benefits all of the Association’s members. For example, some types of violations by an Owner might impact the attractiveness and value of a neighboring Owner’s property. This amendment might also serve as a deterrent by encouraging Owners not to violate the DCCR, thereby there not being a necessity for the Board to enter a Lot.