

## February 4th, 2022 Vista View Village Board Meeting Minutes

Venue: Zoom Meeting

### Officers in attendance:

President Brion Kidder, Vice President Denessa Tompkins, Treasurer Lona Azar, Secretary Erin Geist, ACC Members Doug Lux and Dennis Brokaw, and Member-at-Large Debbie Hollen. Absent: Greenways Matt Donohue.

1. Brion opened the meeting at 7:04pm.
2. President report (Brion)
  - a. Paint violation.
    - i. Helen and I discussed our powers against a paint violation. I agree with her.
    - ii. CCR Article 5n is just 3 sentences;
      1. Finish should blend in with surroundings, existing structures, and landscaping. So far so good.
      2. Must be approved by the ACC in 5-A. trouble is 5-A clearly says the ACC duties and powers ceased a long time ago: "The powers and duties of such Committee shall cease one year after completion of construction of all the single-family dwellings and the sale of said dwellings to the initial owner/occupant on all of the building sites within the property."
      3. Should be compatible with the structure.
    - iii. That leaves 1 & 3 and that's it.
  - b. On the topic of enforcement:
    - i. Articles 5 & 6 spell out restrictions regarding driveways, signs, roofs, antennas, parking, tree removal, fences & hedges, but not paint.
    - ii. Article 7 Maintenance Section 2 says we can charge landscaping expense to the owner only in the case where we have given them permission to plant in our common area.
      1. Our 2017 amendment to article 5 says we can charge the homeowner if we have to hire someone to correct their landscaping only.
      2. Article 9 General Provisions Section e Enforcement says: "The Association or any Owner shall have the right to enforce by any proceeding at law or in equity...with respect to recovery of damages for any such violation."
        - a. Are we going to sue a homeowner for paint color? Does that constitute damages? Will we file a legal injunction if Hoi builds a huge structure in his backyard? If so we need an HOA attorney. Who among us has the bandwidth to start a legal battle for which we are novices?
      3. That's all the CCRs say on the matter of enforcement.
    - iii. Bylaws charge us with collecting dues and allow us to suspend rights of delinquent homeowners.
      - a. Article 7 Powers of BOD Section 1B gives us the power to suspend their voting rights and disallow them the recreational facilities (no using the swing set or bb court or sitting on the bench).

- b. Section 2C(3) Duties gives us the right to place a lien for late payers. That's it. Bylaws say nothing of the ACC.
  - iv. September 2020 we created the ACC as a committee through end of 2021. Section 9-1-c of the minutes.
    - 1. Given that it has passed, and the Article 5-A text, and our limited powers of enforcement, I suggest we document for the record the cessation of the ACC. No more paint color palette. No more change form. Only the restrictions as defined in B&W in the CCRs and By-Laws. Include a note on the website we have retired the ACC change form.
  - v. Discussion:
    - 1. Debbie asked if there is value in redoing the CC&Rs to reflect a 40 year old neighborhood rather than one that is still in the development stage. Are we willing to entertain a free consulting of an attorney for advice on the CC&Rs? How do we enforce them? New language?
      - a. Lona-We could always amend the CC&Rs rather than rewriting them.
      - b. Denessa: Is there someplace we can ask for help?
    - 2. Dennis: Should we have an attorney review the document to determine the legality/teeth of the CC&Rs/
      - a. Lona: It makes sense to have an attorney review the language.
    - 3. Denessa: Is there a way to translate the CC&Rs into more than one language?
  - c. Completed a Website reboot. It took about 12 hours for a full rebuild. There are many improvements for mobile devices, data security, etc. There is a new "Web Authentication" button.
3. Vice President report (Denessa):
  - a. Include neighborhood safety in the next newsletter.
  - b. Bus sheds are very dark in the morning when kids are waiting to go to school. Look into a solar light that possibly has battery backup that could be added to increase visibility.
4. Treasurer report (Lona)
  - a. Current account balance: \$30,986.04 in checking, \$10,006.74 in reserve fund.
  - b. House Bill 2001 takes effect June 30, 2022.
    - i. Allows for expanded density of housing. How will this affect the HOA?
5. Secretary report (Erin):
  - a. The next quarterly newsletter will be sent in March. Email any topics/ideas to be included.
6. ACC Report (Dennis, Doug):
  - a. Lot 73 would like to install two 12' x 14' foot pavilions on the back deck. There is concern that these may not enhance and/or blend with the structure.
7. Member-At-Large report (Debbie):
  - a. Received a general email from WES that the grant period has reopened. Do we want to try again and submit a new grant proposal? Applications are due in April.
8. Greenways report (Matt): No new business.
9. New Business:
  - a. Brion and Denessa will be stepping down from their officer roles in December 2022.
10. Meeting adjourned at 8:04pm.