

SSFHOA Board of Trustees Meeting Minutes, March 24, 2009

The meeting was called to order by Board President Bill Gunter in his home at 6:05 p.m. Those present: President Gunter, board members Vice-President Sue Pollard, Treasurer Chris Butler, Secretary Kristian Mulholland, Bill Noland, James Larson, book keeper Lynn Cier, recorder Harry E. Fuller; observers Michael Winer and Skip Dominick. Excused: board member Jan Zinn.

March 2 meeting minutes were approved.

Website Invoice. Book keeper Lynn Cier presented an invoice estimating cost for previously operated SSSFHOA website by former Board of Trustees Secretary Lucy Archer and the cost to create a new one, showing that Ms. Archer owes the association \$4,228.90. President Gunter explained that the invoice will be included with a letter from him to Ms. Archer noting that she, since becoming former board secretary, has improperly retained the homeowners' website, frustrating every attempt by the current board to acquire it from her, consequently compelling the board to establish another, new website.

The draft letter, distributed to board members states, in part, "Even though the skeleton of the website developed by Park City Web in 2006 is still available to the homeowners, it does not diminish the total value of the property you have taken from your neighbors. The members of the Silver Springs Single Family HOA have spent approximately \$4,000 since 2006 to develop and promote the site for the community good. After repeated attempts to deal reasonably with you, the Board of Trustees has exhausted all possible non-legal means of arriving at a satisfactory resolution. On behalf of the Silver Springs Single Family HOA, the Board of Trustees has voted to seek monetary compensation for all expenditures related to development and promotion of the silverspringshoa.org site that you have taken."

Mr. Gunter added that the draft letter will be further refined by legal assistance prior to delivery. Previous such advice, he said, claimed Ms. Archer could probably be charged with theft. "But," he said, "we won't go there."

Board Treasurer Chris Butler reported that he discussed with Anthony Sands, Quail Meadows HOA president, that HOA's website and received valuable information on how to proceed with a new SSSFHOA version. He presented a proposal from HOA Website, a company providing website services to homeowners associations, saying he would procure some possible designs for the new website from this source, adding that the cost will be \$200 to begin and \$350 annually to operate. He said it appears the website should be easy to use and could take no more than a week and a half to post on line.

Underdrain System. President Gunter reported that a major blockage now exists in the Silver Springs community's underdrain system and the water table is seasonably rising. He said that although peak flow at the main outflow opening this time of year was reported as 1500 gallons per minute when the system was originally developed, sump pumps at two outflow chambers currently count 40 and 30 gallons a minute respectively and the main outflow opening is now discharging about 60 gallons per minute. This indicates, he said, a blockage, which seems to exist about 10 feet in from the outlet which is causing the groundwater table to rise upgradient from the blockage..

A contractor has estimated cost for correcting the problem at between \$3,400 and \$4,000. He said it is impossible to restore the entire system. Treasurer Chris Butler asked if the situation could be corrected by "roto-rooting." Board member Bill Noland (who has studied the underdrain situation) said that won't work. Following a general discussion about the system, its potential and current condition, Mr. Noland moved that the repair expenditure be approved. Chris Butler seconded the motion following discussion as to possible precedent involved.

President Gunter said repair financing such as proposed for the present situation could be considered no more than "community service," adding he didn't see how the association could avoid eventually assuming responsibility for the entire system, which could be construed, in any event, as preserving homeownership values for every association member. Mr. Noland, saying he did not necessarily agree, added that, if the issue landed in court, after repairs had been done on

an individual basis ("community service"), a judge would likely look at the total circumstances, assigning the association responsibility for the system. Delaying repairs, he contended, could result in declaring negligence as well as costs. And since, he continued, the association lacks insurance coverage for the system's possible damage, costs could be assessed against "everyone."

Lynn Cier, who has voluntarily functioned as the board's book keeper, asked if the leakage problems could be handled "by quadrant." To which Mr. Noland said that would be "pro-active" and being pro-active could reduce exposure to a charge of negligence. President Gunter said the system is actually "pretty clean" and that minimal maintenance could work. Making something like that an annually budgeted item was discussed.

Board member James Larson asked if the currently contemplated repair work needed bids. President Gunter said action was required more quickly than that would take. Mr. Noland described the contractor's plan and accepting it passed on a unanimous board vote. Skip Dominick, a former SSSFHOA president, said previous boards always considered such repair work on the system "a good neighbor" project. After Mr. Noland suggested creating a standing underdrain committee, Chris Butler moved doing so, seconded by James Larson. The motion passed unanimously.

Newsletter. Board Vice-President Sue Pollard distributed a "Letter from the President" draft for the newsletter in which the board president advises association members of their responsibilities for "spring cleaning" in and around their homes. Observing that this is the current board's first attempt to enforce CC&Rs, President Gunter asked Vice-President Pollard to contact Park City Fire Services about helping organize a program to chip tree waste in the neighborhood.

HOA Dues Payments. Lynn Cier reported that all but 75 homeowners have paid annual HOA dues. She said some have asked about paying "in increments." Chris Butler, asking about paying by credit cards, offered to "look into it."

HOA Legal Representation and By-Laws Revision. President Gunter said that, after meeting with the Masters Assn. and learning that it is revising its by-laws with legal help, it seems advisable to see how that works and proceed from there.

New Business. Bill Noland, SSSFHOA representative and president of the Master Assn., reported that the Southshore HOA president is researching audit procedures for the associations.

He said the association park on the "big lake" had been vandalized by spraypaint graffiti and that investigating police doubted it was gang related, although officers thought they might know who was responsible. Graffiti was sprayed on park signs and playground equipment.

Mr. Noland said the idea of "graduated fees," developed to reflect such amenities as those enjoyed by lots on the lakes, has been raised again. Responding to comment that homeowner associations are not permitted by law to assess members differently, he said Masters documents allow for "dual billing," suggesting it might be possible to assess a larger amount against homeowner members who enjoy more services from the Masters.

On another matter, Mr. Noland pointed out that association lawyers have said the association must have board meeting minutes available from the last three consecutive years and that a search by him of files relinquished by former SSSFHOA Secretary Lucy Archer disclosed no formal board meeting minutes. Secretary Kristian Mulholland suggested copying those minutes from the association's website. Vice-President Pollard said, "They aren't there."

Sue Pollard moved for adjournment, seconded by Mr. Mulholland. The motion passing unanimously, the meeting adjourned at 7:40 p.m.

President Gunter scheduled the next board meeting for 6 p.m., April 21 at his home.

Submitted by Secretary Kristian Mulholland. Minutes transcribed by Harry Fuller.