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**ALTHOUGH THIS LETTER INCLUDES ADVICE GIVEN TO A CLIENT, THE DISCLOSURE OF THAT ADVICE HAS BEEN INCLUDED FOR INSTRUCTIONAL PURPOSES ONLY IN ACCORDANCE WITH C.R.S. § 38-33.3-209.7 AND WILL NOT BE A WAIVER OF ANY CONFIDENTIAL COMMUNICATION THAT IS NOT INCLUDED HEREIN.**

*Sent Via Email: rlbryan74@gmail.com*

September 22, 2023

Board of Directors  
High Meadows Homeowners Association  
100 High Meadows Drive  
Florence, CO 81226

Re: Special Meeting - Minutes

Dear Ms. Bryan:

We have been asked (as attorneys for the Association) to prepare Minutes for the September 16<sup>th</sup> Board meeting, because:

- (a) a homeowner complained about the first draft of those Minutes; and
- (b) I attended that meeting.

I am sending this letter (with my draft of those Minutes) to you by email so you can send this letter (once the Board approves the Minutes) to all the members:

- (1) so the Board can comply with the availability requirement described below; and
- (2) provide answers to the complaining owner and any other owners who may have the same question.

Although the owner who complained about the Minutes correctly made the point that there should be a reference to the people who voiced complaints at the meeting, the Board is also correct in not specifically describing those complaints, because:

- (a) the Minutes are not a transcript of the meeting; and
- (b) it is unfair to expect that much extra work from the unpaid volunteers who act as directors.

I have revised the Minutes to make reference to the negative comments, but also to include my brief description of the other issues, so that you can use my changes to show how Minutes could be prepared in the future. However, it needs to be stressed that it would not be fair to hold unpaid volunteers to such a task, as the more overburdened with additional tasks they become, the more likely they are to burn out, which might require the hiring of a professional community manager.

The attached Minutes also make it clear that more than two-thirds of the owners voted to approve the Minutes. As a result, the new request for a veto vote makes no sense, because:

- (a) the statutory veto procedure requires more than 50% of the entire association;
- (b) as a result, it would have been easier (for the Board) to adopt the budget by using the veto process (because the veto would not get the required majority); but
- (c) the Board, to its credit, decided to put the matter to an approval vote instead.

If the Board approves these Minutes, Sections 209.4(2)(h) and (3) of the CCIOA require that they be made readily available to owners at no cost to those owners. Although there may be many associations that make the Minutes available by posting on the website, they may also be kept in a binder in the association's principal place of business, or be sent by mail or personal delivery. This is more work for the Board, which is the reason most associations use the website and remind the owners (once a year) to view the website.

As to the owner's belief that members have to be residents to vote by proxy, that belief is also incorrect. There is no residency requirement in Section 10.5 of the Bylaws, which makes sense, because proxies were actually designed to be used by owners who are in good standing, but are unable to personally attend. As a result, absentee owners will usually fall into that category.

Sincerely,

ANDERSON, DUDE & LEBEL, P.C.



Stephen J. Lebel

SJL:LP

Enclosures

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# Minutes of High Meadows HOA Special Meeting – September 16, 2023

## Attendees

Lisa Bryan, President  
Ben Mitchell, Vice-President  
Terri Norton, Secretary/Treasurer  
Stephen J. Lebel, Attorney  
24 residents

The meeting was called to order at 1:00 P.M., at which time a quorum was present in person (19 households) and by proxy (26).

## Reports

- Ms. Bryan explained that the current financial status of High Meadows consists of \$28,727.00 in the checking and \$17,233.00 in cd's.
  - She explained that last year's expenses approximated \$10,000.00 (RV fencing), \$5,000.00 (insurance), \$200.00 (liens), \$32,000.00 (maintenance), \$2,700.00 (postage), \$600.00 (utilities), \$6,000.00 (legal), \$2,800.00 (accountant) and \$100.00 (website).
  - She also reported that at the Annual Meeting, homeowners previously approved adding road base to two easements and trimming the willow trees in the drainage area east of the park bridge. The plan is for parcel lockers to be added as those funds are collected from the sale of the vacant lots. (Current homeowner dues will not go toward the purchase of more parcel lockers.)
  - She also explained the drainage issues that were discussed at the Annual Meeting. Homeowners have complained that over the last few years, heavy rainfall has damaged several homeowners' yards and landscaping. The
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water flows heavily and fast from the South of High Meadows Way to the North. Due to the placement of the drainage pans, the water and debris does not always drain properly, causing a build-up of mud on driveways. The drainage also flows Southeast down the new development to the bottom of High Meadows Way, causing more mud build-up. Mr. Lebel advised the homeowners that this is a situation between homeowners and the City, and Mr. Bernal indicated that he would try to get the issue before the City Council. Mr. Lebel encouraged all the concerned owners to contact Mr. Bernal, and (if he succeeds) as many people as possible should band together and attend the meeting. Ms. Bryan stated that she would attend any City Council meeting that they were going to attend, to speak on behalf of the Board in support of their concerns.

## Budget

Ms. Bryan explained that at the Annual Meeting on August 5, homeowners in attendance asked the Board to hold a Special Meeting to increase dues in an effort to improve the subdivision with the projects described above and two other projects.

The first of those projects would be a new walking trail in Tract A of the subdivision. The trail would be circular with access from two separate easements. It would be approximately 6 feet wide and be covered with compacted road base. The current walking trail around the park in Tract B of the subdivision is in need of repairs. When it was created, gravel fines were used as the base; over the years, the rock has washed away. This trail needs to be redone with compacted road base.

The other project is the RV park, which is in need of some parking delineation to keep people from taking up unnecessary space, which will be a problem as the RV park fills up. Parking pavers would be purchased and laid out to mark parking spaces.

Ms. Bryan explained that the revised budget for 2024 requires an increase of dues from \$15.00 to \$25.00 per month. The members who attended had many questions (which were answered by Mr. Lebel and/or Ms. Bryan) and most of them made comments in opposition. The opposition was concerned about not being able to afford the increase and that they felt they were not getting any benefit from what the dues are used for. It was explained that inflation is causing the increase and that we were directed by our attorney that a reserve (which we do not have at the present) is needed.

Based on the opposition, even though Mr. Lebel explained that the budget would pass in the absence of a veto, the Board decided to put the matter to a vote of the members by using proxy forms as ballots. The results of the voting were: NO = 13 and YES = 32 for a total of 45, which makes for 69.5% approval, and so the budget with dues increase passed. Votes were counted by all Board members after the meeting in the presence and supervision of the HOA's attorney, Mr. Lebel.

## RV Storage Rules

Ms. Bryan explained that the current RV rules state:

- Users must live in High Meadows HOA (HMHOA)
- Only vehicles (motor vehicles, boats on trailers, RV, Campers, ATVs, trailers) can be stored.
- Abandoned vehicles, trailers, etc. and/or vehicles, trailers, etc. not registered with the HMHOA will be towed at the owner's expense in accordance with state and local laws.
- The gate must be locked every time you leave.

The new rules will include:

- Users are allowed to use the RV Storage Facility as long as they have a registration card filed with the Board.
- Each User with more than two items will be required to find an outside storage facility for those items as the RV area fills up.
- Once the designated RV storage area is full and cannot accommodate any more vehicles, new storage requests will be placed on a waitlist in the order they are submitted. While on the waitlist, homeowners will be required to find alternative storage options outside of the subdivision, as keeping RVs or similar items at their houses is prohibited according to Covenants 8.9.3 and 8.9.4.

In response to questions as to why this problem was being addressed now (while there is still space available), Mr. Lebel explained that the proposed Rule was needed because the new homes that are being added will increase demand, and so the proposed Rule was a solution to a problem that does not exist yet, but will soon occur.

The voting in favor of the RV storage rules was: NO = 8 and YES = 37.

## Action Items

1. Plan the improvements to be done.
2. Meet with the City on homeowner questions.
3. Letter to be mailed out to all residents of the final results.

Monthly assessments will increase by \$10 per month, \$30 per quarter, or \$120 per year. This increase will be reflected on your January 1, 2024 statement (first quarter). This means the new monthly assessment rate will be \$25 per month, \$75 per quarter, or \$300 per year depending on how you pay your assessment.

The Board prioritized the projected projects from the increased dues. Those will be handled in the following order:

1. Building a reserve fund of \$15,000.
2. Building a new walking trail behind Tract A (maps can be found at <https://highmeadows.info>).
3. Repairing the existing walking trail around the park.
4. Installing parking pavers to delineate parking in the RV area.

Association documents and events are online at <https://highmeadows.info>, or you can reach out to the Board directly by emailing them at: [highmeadowsinfo@gmail.com](mailto:highmeadowsinfo@gmail.com).

Signed . Date 9-22-23