

Governing Documents Committee Minutes

Mar 25, 2020 Meeting

Committee Members Present: Andrea Sedlak (chair), Claudette Dirkers, Ken Hurley, Jerry Ladewig

Committee Members Absent: Charlotte Mizzi

Landowners Present: None

Call-in Attendees: Andrea Sedlak (chair), Claudette Dirkers, Ken Hurley, Jerry Ladewig

CALL TO ORDER: 1:03 P.M.

Topics discussed—

No attorney feedback received to date, so agenda item #1 was skipped.

The Committee discussed the other outstanding tasks the Board had assigned in its January meeting: consider rules on quiet times/ disturbances, consider how the GLA might stop building by landowners not in good standing who cannot (and did not) go through project review, or how the GLA can penalize behaviors that violate the governing documents. We did not get to discuss any specific revisions to the Covenants, but considered a workplan for the future. Noted that the new MCAs, to go into effect this summer, could affect the proposed changes to the Bylaws. Voted to approve the minutes from the last committee meeting.

Penalizing violators. The committee recognized that the various issues the Board charged us with all entail possibilities for penalizing violating behaviors. Many are not happy with the current lack of enforcement and our current limitations for imposing penalties. Chronic violators are not concerned that the only consequence is that they are “not in good standing” and prohibited from voting. Discussed several ideas about penalties, considered reviewing other HOAs’ governing documents for workable ideas, and discussed gathering Members’ ideas. Decided that, when the revised Bylaws are sent for Members review, an enclosed letter asks for ideas of ways to enforce the governing documents without what is currently the GLA’s only last resort—taking violators to court.

Covenant revision work. Considered that the committee begin this work by examining sections 5 and 6 because those have the greatest details about standards required.

New MCAs. As a result of Montana legislation in 2019 (SB 325, the Montana Business Corporation Act), revisions to the Montana Code Annotated will become effective as of June 1, 2020. The committee decided to examine those revisions, now available online, to determine if they affect the draft revised Bylaws. This is a priority before considering future committee work on the covenants.

Motions made—

To approve the minutes of the Governing Documents Committee Meeting on March 3. Votes: unanimous approval among the four committee members present.

Action Items:

Before the next meeting, Committee members will:

1. Draft a letter to GLA members to be enclosed with the draft Bylaws when those are sent for landowners' review, asking for suggestions of additional approaches to penalize landowners who violate the requirements of governing documents.
2. Examine the new MCA requirements to identify any implications for the draft revised Bylaws before those are sent to Members.

Meeting Schedule:

Next Gov Docs Committee Meeting—April 9 at 1:00 P.M. MDST by phone (uberconference). Call-in numbers 406-272-4075 or 877-660-4969.

MEETING ADJOURNED: 3:05 P.M.