

Governing Documents Committee Minutes
Dec 5, 2022 Meeting
Via Zoom and Phone

Committee Members Present: Andrea Sedlak (chair), Claudette Dirkers, Douglas Gill, Sandra Schreyer, Morgan Squires.

Committee Members Absent: Jewel Wieczorek

Landowners Present: Jaylyn Jensen (director), Neil Kremer (director), Jerry Ladewig, Charlotte Mizzi, Dennis Riley (director), Wendy Riley,

CALL TO ORDER: 7:03 P.M. MST

Landowner Comment, Status of the GLA

Jerry Ladewig asked whether the meeting could be held in view of the recent notification from the Secretary of State that the GLA had been dissolved due to its failure to submit an annual report by the deadline. While some doubted the legitimacy of holding the meeting, others felt it should proceed since the report was ready to submit and that, upon filing the report, reinstatement is simple. The chair decided to proceed with the caveat that if it were later shown to have been out of order, any decisions made could be revisited after formal reinstatement. (Addendum: On December 6, Jerry Ladewig emailed the Board to report that she called the Secretary of State office and learned that association business can be conducted for 5 years while reinstatement is in process.)

Approval of November 15 meeting minutes—

Douglas Gill motioned and Sandra Schreyer seconded the motion to approve the draft minutes of the November 15 Governing Documents Committee meeting. Motion passed with unanimous voice vote.

Review of Kremer's Motion on Clarifying the GLA Process Fining or Deeming Someone "Not in Good Standing"—

The Governing Documents Committee reviewed the following motion that Neil had submitted to the Board for its usefulness and consistency with the Governing Documents:

I present a motion to confirm the process that is followed by the GLA when applying a fine or deeming someone "out of compliance"/"not in good standing" so that this conforms to the wording as written and outlined in the Covenants Section 10 – 10.02. That a fine then can only be applied after an individual has received notice and been given the opportunity to remedy the condition or violation and submit the proper applications and requisite fees as is described in Covenants 10.02.

During discussion, the Committee considered (1) the broad powers that Covenant 10.01 imparts to the Board, (2) noted that Covenant 10.02 pertains to legal action in a court of law rather than penalties internal to the association such as fines, (3) recognized that Bylaws Article XI. B. (Enforcement Rights and Sanctions) reiterates the association's authority to impose sanctions for violations, and (4) underscored that Bylaws Article XI. C. (Due Process) provides for notification of a sanctioned landowner and reasonable opportunity to comment. The committee emphasized that when a violation is discovered, imposing a fine (rather than merely threatening it) is necessary to deter violations. A compelling analogy was that a speeding ticket would not deter speeding if a police officer warned speeders to slow down and allowed them to do so before issuing a ticket.

The following conclusion will be conveyed to the Board in its upcoming meeting: Neil's motion is not necessary because the GLA consistently complies with Covenant 10.02. Since a fine is not a legal action, Covenant 10.02 does not apply. However, landowners do need to be better informed about the GLA's policy on sanctioning violations (and the GLA also needs to consider a tiered system of fees applicable to various violations). The committee thought it would be helpful to incorporate the information about the current sanctioning policy in a Newsletter to go out to all current landowners and into an updated welcome packet for new landowners

Workplan and Schedule for the Year—

As the meeting had run out of time, this agenda item was tabled to the next meeting

Next Meeting— December 19, 2022.

Adjournment—

Claudette Dirkers motioned and Douglas Gill seconded the motion to adjourn the meeting. Motion passed with unanimous voice vote.

MEETING ADJOURNED 8:14 P.M. MST