

Committee on Amendments to CT Condominium Declaration and Bylaws

Monday, January 24, 2022 6:00p.m. via Zoom

AGENDA:

1. **Call the meeting order:** Mickey Smotherman

2. **Attendance:**

CT Condominium Board of Directors Members:

President: Mickey Smotherman

Member: Jon Schmidt

Secretary: Laura Nichols

Resident Members:

Joe Bateson	202 Eagle Drive
Charlotte Cleveland	308 Slough Creek Drive
Bill Cok	246 Hanley Drive
Steven Eagle	205 Stillwater Drive
Mary Heap	282 Pine Creek Drive
Marilyn Kennelly	417 Slough Creek Drive
Pat Simmons	357 Pine Creek Drive

3. **Review and Discussion of Draft “Mission and Structure of Committee on Amendments”, (See Attachment 1)**

a. Mickey reviewed the draft document with the Committee:

- i. #1-4 of document covers rules of engagement including the overarching mission and structure for future meetings of the Committee
- ii. #5-7 of document covers defining the focus of the Committee related to “Big Subjects”. This includes prioritizing these items, how the Committee addresses proposed changes to them, and how to manage new subjects if they arise during the tenure of the Committee.
 1. Regarding #6: The Committee agreed to add two additional ‘Big Subjects’:
 - a. 6.g. Preserving or Waiving the Homestead Exemption Rights (Declaration, Article V, Levying Assessments, paragraph i)
 - b. 6.h. Treatment of Limited Common Elements and Limited Expenses (Declaration, Article I, as well as any other section where they appear)
- iii. #8-10 of document covers when, how and if drafts of documents created by the Committee can be shared with CT Condominium owners for comments, suggestions, or objections and what process should be followed to capture owner commentary.

4. **Intra-Committee and Owner-to-Committee Communications:** The Committee agreed that personal and/or group emails are acceptable for the purpose of Committee work.

A unique email address has been established at contact.ct.amend@gmail.com for use by owners to communicate any comments or concerns to the entire Committee. When an owner uses this email address, the message will be delivered automatically to each Committee member's personal email. For replying to the owner, the Committee member should sign into the group email box via gmail.com, then go to sign into an account. Enter the new group email address, contact.ct.amend@gmail.com, and use this password to complete the login: CTCondos2022

NOTE: The password is CASE sensitive and has no spaces in it. Only one member can log in at a time.

A Committee member is also allowed to use his or her own personal email if they choose to do so.

5. **History of September 2021 proposed amendments and 'pared down' versions:** Prior to today's meeting, Mickey provided the Committee with a timeline of what transpired pertaining to the creation of this Committee to level set where things are and where they need to go (See Attachment 2)
6. **Proposed Amendments ("Big Subjects") Prioritization Process:** After discussion, the Committee, prioritized these as follows:
 - a. Staggered Terms for CT Condominium Board of Directors
 - b. Preserving or Waiving the Homestead Exemption Rights
 - c. Treatment of Limited Common Elements and Limited Expenses
 - d. Restrictions on rentals/Rental Policy
 - e. Adoption of annual budget
 - f. Levy and collection of assessments
 - g. Specification of Powers and Responsibilities of Association (based on MT law)
 - h. Specification of Powers and Responsibilities of the CT Board of Directors
7. **Next Steps:** At the next meeting, Monday, February 7, 2022, Committee at 6:00p.m., the Committee will discuss these three "Big Subjects," to the extent time allows:
 - a. Staggered Terms for CT Condominium Board of Directors
 - b. Preserving or Waiving the Homestead Exemption Rights
 - c. Treatment of Limited Common Elements and Limited Expenses

All others to follow in the order as listed above in #6.d through #6.h of these minutes

8. **Adjournment:** Mickey adjourned the meeting at 7:55p.m.

MISSION & STRUCTURE OF COMMITTEE ON AMENDMENTS

1. The mission of the committee is to discuss the Board's proposed amendments, as well as other proposed amendments from committee members and other owners, with an objective of reaching a consensus on amendments to be passed on to the Board, or – should there be no consensus of the committee on a proposed amendment - arguments for/against proposed amendments.
2. Structure of future meetings – take turns making comments; time limits on each person; no interruptions while someone is making comments (questions are OK when the “presenter” has finished his/her comments)
3. Meetings will be capped at 2 hours, unless absolutely necessary to finish a discussion (in a reasonable amount of time)
4. Schedule biweekly meetings – time to create DRAFTS between meetings (based upon discussion and comments) & time for reflection (see #9 below)
5. Committee does not need to go through all proposed changes word by word and line by line. Rather, better use of the committee's time and efforts to focus on the BIG SUBJECTS and take the BIG SUBJECTS one at a time – finish one before proceeding to the next
6. Need to define the BIG SUBJECTS – suggest:
 - a. Restrictions on rentals
 - b. Adoption of annual budget
 - c. Staggered terms for Directors
 - d. Levy & collection of assessments
 - e. Spell out powers & responsibilities of Association (based upon MT law)
 - f. Spell out powers & responsibilities of Board of Directors
7. When commenting on proposed changes, committee members can make other suggestions for changes related to the BIG SUBJECT changes; otherwise, save suggestions until after we complete work on the BIG ones
8. After we have completed discussion on one subject, prepare a DRAFT of the consensus of the committee (or, if no consensus is reached, the options to consider) and circulate to the committee
9. Discuss whether to distribute the DRAFTS to ALL owners as we proceed
10. If it is decided to distribute DRAFTS to ALL owners (after review by the committee) - and comments, suggestions, or objections from other owners are received - discuss those at the beginning of the next committee meeting, before proceeding to the next subject

HISTORY OF DEVELOPMENT OF PROPOSED AMENDMENTS
BY CT BOARD TO DECLARATION AND BYLAWS

The amendments to the CT Declaration and Bylaws that were submitted to all CT owners in advance of the September, 2021 information meeting came from a long process. This process was started long before 2021 by a small committee that involved Pat Simmons (a member of the 2022 committee), former Board members Tom Masker and Ed Lawrence, and others.

When I (Mickey) “volunteered” for the Board in Nov 2020, and was appointed to the Board in JAN 2021, I volunteered to work with Ed to review all the suggested amendments, and also do a wall-to-wall review of the documents and make further suggestions.

After doing this review, the next step was circulating all of this information to the Board, which resulted in receiving lots of comments. That led to the Board making informed decisions about (1) the most important amendments (2) which could likely receive a 75% vote of approval. That process resulted in casting aside “for another day” less important changes, if there was any chance that these “less important” changes might generate substantial opposition.

The idea was to submit all changes for ONE vote, rather than piecemeal voting, which might help get some of the changes which were technical or hard to explain over the hump (by tying them to popular, easy to understand, changes). This is not to underestimate the ability of our owners to understand the changes, but simply a recognition of the fatigue that might set in if we asked owners to review 20 or 30, or more, changes, with detailed explanations of what the changes were and what the reasoning was.

The next step was to submit to our attorney each of the changes agreed upon by the Board after going through the process described above. Alanah reviewed each of these changes, told us whether any conflicted with the law, or whether others were necessary in her opinion (based upon her working with many Homeowners and Condo Owners Associations, and involvement in litigation over the meaning, and enforceability, of covenants & bylaws). Further revisions were made as a result of Alanah’s review and advice, and then were put into a form to submit to the owners and potentially go on a ballot.

At one point, Alanah also gave us the option of using a “standard” set of Declaration & Bylaws which she had drafted herself, to completely replace our existing documents (modified where necessary to fit our community). After considering this option, the Board concluded that it would be harder to explain everything that was changed (deleted or added) when shifting to Alanah’s “standard” document, than to explain more the limited number of changes the Board proposed to make. However, that decision can be revisited if this committee feels differently.

When the Board received a substantial amount of feedback from owners that there was not enough time for everyone to feel comfortable voting on the Board’s proposed changes, the Board made the decision to drop its plan to try to obtain a vote at the Annual Meeting. Instead, the September meeting was conducted as a strictly informational meeting, after which it was decided to establish this committee to move the process forward. Then, as you know, by the time we had new 2022 Board members on hand to become involved in the process, the Paine project reared its head and distracted our ability to engage in a detailed review of proposed amendments.