

Committee on Amendments to CT Condominium Declaration and Bylaws

Monday, May 16, 2022 6:00p.m. via Zoom

AGENDA:

1. **Call the meeting order:** Mickey Smotherman at 6:00 p.m.

2. **Attendance:**

Present: Mickey Smotherman, Joe Bateson, Charlotte Cleveland, Steven Eagle, Marilyn Kennelly, Pat Simmons (Secretary)

Next meeting: May 31, 2022, at 6 p.m.

3. **Discussion:** Committee continued discussions

A. Continue and finalize discussion of Levy & Collection of Assessments (Declaration, Article V): Committee members will engage in email discussions on this section prior to the next meeting in order to expedite completion of this section of the Declaration

- i. Continued discussion on section d) on the word "Default" assessments, a term that Alanah told us means all assessments but the base, special and reserve types. We agreed to change the word "default" throughout the document to "other" assessments.
- ii. Update the letters of sections.
- iii. In section f. Reserve. With explanation from Alanah, we changed "Project" to "CT Condominium"
- iv. Discussion on due dates of 10 and 30 days and left as is.
- v. Changed In the event... "default" to "other" assessments. Changed "run with the land" to "run with the ownership of the Unit" in "Unpaid Assessments" paragraph.
- vi. Discussed "Automatic lien" – how do we find out if a lien is filed. The title company should list this information. Mickey will talk with Alanah about this wording in "a. Liens" and unpaid assessments.
- vii. Mickey and Stephen will talk with Alanah and make updates to wording and will email our committee members the undated wording to be more clear.
- viii. Joe asked if the board has an established policy on Fines and Penalties. Mickey reported the board adopted a policy for this on 7/26/16. Need to make sure the board has this power in the Bylaws.

B. Resume discussion on defining Common Elements and Limited Common Elements

- i. Further review of these sections of the Declaration's Definitions. We noted telephone listed but should include Internet too. So we changed "telephone" to "communication, water, and sewer lines"
- ii. We changed abbreviation of "LCE" to Limited Common Elements
- iii. Pat asked about where the outside water faucet is covered, and it is included in the Unit Boundaries of the Unit.
- iv. We changed "cable television" to "communication lines"
- v. Discussion on the HOA's building insurance coverage. Joe is concerned our new policy renewal for 2022 is too low compared to the rate per unit that Unit Owners pay for the interior insurance coverage by unit, especially if a building needed to

be replaced, would “replacement value” be included in the policy. It was agreed that Mickey, Stephen, Joe and Jim Seneker (Treasurer) would meet with our insurance agent to resolve. We’ll hear back on this by email before the next meeting.

- vi. Mickey sent our committee an email before the meeting with a recommendation from Jim Seneker (Treasurer) to change the insurance assessment to Unit Owners to be part of our monthly assessment instead of a separate billing according to the square footage of the unit. Both Pat and Charlotte objected to this change and it was made clear that the October, 2014 amendment to our bylaws set up the separate assessment for insurance. Consensus was to leave the current system. The Property manager will have a continuing 155 units so the difficulty this past year in billing should not occur in the future. Stephen said we are a mature organization and therefore should be professional and should be easy to do the future calculations.
- vii. Unit boundary description is acceptable to all and the rest of the document is okay, until we complete discussions on the adequacy of our insurance coverage.

C. Initiate discussion on Rights of the Association, Declaration Article V, Function

- i. “Membership: An Owner of a Unit in CT Condominium shall automatically, upon becoming the owner of said Unit, be a member of the Association of Unit Owners of CT Condominium, Inc., the non-profit Unit Owners Association, hereinafter referred to as the Association, and shall remain a member of said Association until such time as his membership in said Association shall automatically cease. The membership shall be limited to Unit Owners as defined in this Declaration.” Mickey will check with Alanah about this highlighted wording to make sure it is legally correct.
- ii. Function: Rights of Association. The Association, by and through its duly elected Board of Directors, shall have and may exercise any right or privilege given to it expressly by the Governing Documents or reasonably implied from or reasonably necessary to effectuate any such right or privilege. Except as otherwise specifically provided in the Governing Documents or by law, all rights and powers of the Association may be exercised by the Board without a vote of the Members. The powers and rights of the Association include, but are not limited to, the right to:

Mickey will check the highlighted sentence wording with Alanah.

- “1. ~~Adopt~~ Enforce bylaws for the governance of the Association.” Discussion on the word “Adopt” because we already have adopted our bylaws and the bylaws give the board permission to act on behalf of the association.
- 3. Removed the Alanah-added clause to authorize a recreational vehicle storage area.

4. Next Meeting and Next Big Topic:

- a. Meeting: Tuesday, May 31, 6:00pm MDT
- b. Draft Agenda Topics:

- i. Adopt the changes discussed by email between the May 15 and May 31 meeting
- ii. Discuss the Function section of the Rights of the Association Article V
- iii. Discuss the Powers of the Board in the Bylaws

5. **Owner-to-Committee Communications:**

Owners may contact the Amendments Committee with questions or concerns via email at contact.ct.amend@gmail.com

6. **Adjournment:** Mickey adjourned the meeting at 8:15 p.m.