

## MINUTES

Sierra los Pinos Property Owners' Association  
General Membership Meeting  
Saturday, August 8, 2020 at 2:00 p.m.

Board Members present: Paul Lisko, Cindy Hines, Jeremy Oepping.

SLPPOA Members Present: Suzanne Star, Jack Nyhan, Sandy and Ed Partridge, Jennifer Lake, Harold and Carolyn Corn, Sumner Dean.

The meeting was called to order by President Paul Lisko at 1406 hours.

Paul asked if any member as the meeting wanted to speak. Nyhan thanked Paul for all of his effort to hold Zoom meetings and hold the three different votes in an attempt to pass amendments to the bylaws.

Suzanne asked if we could discuss the amendments. Paul went through the timeline of events for the past two votes, where a quorum was not met, up to today's meeting and subsequent vote.

Suzanne asked if there would need to be an additional "special assessment" vote, at a time in the future, if the amendment on today's ballot, regarding excessive use, was passed. Paul explained that Article X describes Assessments. This ballot, if passed, would add a new section V, relating to excessive water use. Basically, if the amendment passes, we will not need to hold a separate "special assessment" vote in the future.

Sumner asked about the language in Article X, wanting to state he felt that the statement that charges for water use will become a lien against the property, is heavy-handed. Paul advised that the language on the ballots had been discussed at a previous meeting on April 18<sup>th</sup>, and that it is now too late to make a change. Basically, the comment period was held in April, revisions were made at that time.

Sumner questioned holding ballots from the election of June 13<sup>th</sup> to use for the election of August 8<sup>th</sup>. Paul explained that legal counsel advised that as long as the language on the ballot did not change, and the June 13<sup>th</sup> ballots remained unopened, they could be used for the August 8<sup>th</sup> vote.

Suzanne asked what the excessive water use rates would be, how would they be reached and would members have any input. Paul indicated that the board had created a new water committee, made up of SLPPOA members and lead by one board member. The mission of the committee would be to come up with a rate structure and bring their findings to the board. The board would then come up with a policy, to be reviewed by the membership and input taken and revised. Paul reiterated that this will only happen IF the amendment is passed.

A lengthy discussion then ensued regarding water for fire suppression, which was outside the purview meeting.

John Fredlund stated that the board, and not the water committee, will set the rates for excessive use. He further stated that it is in the best interest of the board members to set a rate that is fair for *all* members of the community.

Fredlund questioned how the board plans to correct misspellings on the current ballot, if they are to pass. Lisko explained the only way to correct them would be to have another bylaw amendment vote.

Paul then explained that he, the secretary and treasurer will go to the fire station to count ballots. He asked for three non-board member volunteers. Jack Nyhan, John Fredlund and Ed Partridge all volunteered.

The meeting was adjourned at 1527 hours.

At the SLP fire station from 1600-1617 hours, Cindy Hines and Jeremy Oepping compared the ballots received with those members deemed eligible to vote. Based on that review, it was determined that 136 members out of a possible 155 were eligible to vote. 85 eligible and valid ballots were received. At 1617 hours, to those members assembled outside the fire station, Paul Lisko read aloud the following article from the Bylaws: "ARTICLE XI, AMENDMENTS: These Bylaws may be amended at a regular or special meeting of the members by a vote of at least sixty percent of the members eligible to vote either in person or by proxy or by mail when a ballot is supplied, provided that the proposed amendment has been submitted in writing and discussed at the previous meeting or provided that the proposed amendment has been mailed to all members at least thirty days prior to the meeting at which same is to be voted upon." He then stated that 136 members were eligible to vote, which would require a minimum of 82 ballots to be cast in order to meet the sixty percent minimum. As 85 such ballots had been received, the minimum had been met. The Board was therefore in compliance with the Bylaws in allowing the ballots to be opened and counted.

All members present wore face masks and maintained social distancing standards. The three volunteer non-Board members, i.e. Jack Nyhan, Ed Partridge and John Fredlund, were then allowed access inside the fire station to those ballots, which were each verified as having a valid signature on the return envelope, opened, the vote contained therein for each of the eight amendments on the ballot was read aloud and counted, with the original ballot then returned to the envelope from whence it came. Approximately a half-dozen ballots were received with comments made in the margins, each of which were read and noted. More than one made reference and displeasure with the statement which would allow placing a lien on property as contained within the proposed amendment pertaining to excessive water use.

Ultimately, all proposed amendments passed by a majority of the eligible members voting in favor of each of the ballot initiatives. Final tally of votes is as follows: Amendment #1-- 79 For, 3 Against, 3 Abstain; #2-- 68 For, 17 Against, 0 Abstain; #3-- 64 For, 13 Against, 8 Abstain; #4-- 70 For, 11 Against, 4 Abstain; #5-- 77 For, 3 Against, 5 Abstain; #6-- 73 For, 3 Against, 9 Abstain; #7-- 64 For, 15 Against, 6 Abstain; and #8-- 68 For, 8 Against, 9 Abstain. At the conclusion of the vote tally, the three volunteers were thanked by the Board members present for their time and efforts in processing the ballots. The ballots were then taken into the possession of the Board's secretary and treasurer, who transferred, stored and secured the ballots in a locked filing cabinet in the adjacent meeting room. The table at which the count took place was wiped down with a household disinfectant containing ammonia. All members present then departed from the SLP fire station. The time was 1800 hours.

It was later determined, after speaking with legal counsel, that none of the ballot initiatives passed. According to the attorney's interpretation of our bylaws, we would have needed at least 82 votes FOR any of the initiatives for them to pass.

