

Wissler Ranch HOA Board Meeting Minutes**February 1, 2017**

- **Call to Order:** The January Wissler Ranch Board meeting was called to order at 9:15 AM at the Monument Library.

- **Roll Call:**

Board Members Present:

President - Jim Keefe

Vice President – Hal Goldback

Secretary – Sharla Davis

Wayne Gardner

Board Members Absent

Royal Koepsell

Other Officers:

Treasurer - Kathleen McCormick

Committee Chairs:

Water Reporting/Covenant Compliance – Sharla Davis

Other Attendees:

Homeowners – Terry Powers, Jack Windeler, Barb Doremus

- **Reports:** None

Old Business and Covenant Committee Combined - Water Augmentation Plan Violations for the 2016 Calendar Year:

Jim Keefe stated the agenda for this meeting was limited to reviewing additional water augmentation plan enforcement information and determining what covenant enforcement action the HOA would take against those homeowners who had exceeded their water allocation.

Jim contacted the Colorado Division of Water Resources Division 2 Engineer's Office as well as the HOA attorney and reviewed other north El Paso County HOA water augmentation plan rules and fines.

The Division's Engineer confirmed the HOA was responsible for administering and enforcing the water augmentation plan. The State does not provide specific criteria that would cause them to trigger enforcement action; however, any action taken would be against HOA as a whole in addition to the homeowner(s) who are not in compliance. This could include the HOA being made a party to an enforcement lawsuit. This was reiterated by the HOA legal counsel who also confirmed the Wissler Ranch HOA's rules and fines were reasonable. The purposes of the rules and fines are to ensure compliance, timely enforcement, and serve as an education function.

The review of other HOA rules available on the web show Wissler Ranch water augmentation plan enforcement is in line with other local HOAs. Some local HOAs have a lower fine schedules while most have a higher fine schedule.

In furtherance of the goal of educating homeowners, Jim proposed sending a letter to all homeowners reminding them of their responsibilities under the plan and having a water attorney attend the annual meeting. HOA members who do not think the water allocation is enough to meet their requirements also have the option to pursue additional water rights on an individual basis at their own expense.

For this year only, Jim proposed reducing the fine for first-time overages to \$100 plus the gallon over fee and for repeat overages to \$250 plus the gallon over fee. Fines for homeowners who moved into the neighborhood since the last reading were waived at the previous board meeting. In addition, fines were also waived for homeowners whose overages were due to broken pipes or other extenuating board-approved circumstances.

Homeowner comments were varied. One member objected to the HOA fining homeowners and felt enforcement should be left to the state. Another expressed concern that the HOA should be protecting the development as a whole from liability for water augmentation plan violations. One member stressed the importance of education and also asked how non-reporters could be made to comply. Another emphasized the importance of water as an issue in Colorado.

A board member highlighted previous legal counsel's letter outlining guidance for rules: that fines were within the HOA's authority; that they should be reasonable and that the HOA had a duty to enforce the augmentation plan. It is important to show due diligence and the HOA should seek the help of the Water Division Engineers in administering the augmentation plan.

After additional discussion, Hal motioned Jim's proposal to reduce the fine for first time overages to \$100 plus the gallon over fee and for repeat overages to \$250 plus the gallon over fee. Sharla seconded. Motion passed.

- **Adjournment:** The meeting adjourned at 9:45 AM.