

NOTES FROM THE AUGUST 2011
FOXTAIL PINES OWNERS ASSOCIATION (FPOA)
ANNUAL MEETING AND PICNIC

1. The 2011 FPOA annual meeting and picnic was a big success. Many thanks go to the board members who planned the picnic and made it all happen, including Carmine D'Bartolomeo, Dave Koerber, and Kim Wittbrodt. Special thanks go to all of the FPOA members in attendance who brought their thoughtful comments and feedback on issues of importance to our entire membership.

2. The agenda for the meeting was passed to those in attendance. A copy of the agenda can be found under the "Documents" tab of our FPOA website, located at www.foxtailpineshoa.org. If you need a login and password to access the website, please send an email to Kim at kim.javamoose@gmail.com.

3. Key business items from the annual meeting:

a. 2011-2012 FPOA budget. Dave and Kim have worked hard to prepare out 2011-2012 budget, and Dave presented an overview to the members for the coming year. A copy of the budget can be found under the "Documents" tab of our FPOA website. This marks the first time in recent memory that a *prospective* budget has been presented to the membership. The association remains in good financial condition. We appreciate the great work that Kim continues to do for our association.

b. Increase in 2012 Annual Dues. Kevin announced to the membership that, prior to the annual meeting, the board had unanimously approved an increase in our FPOA annual dues (assessment) from \$100 to \$200, effective January 1, 2012. It was noted that our FPOA dues have been at \$100 annually since 2004. The impacts of gradual inflation, and an increase in association activities (e.g., see "manager" below), necessitated an increase in annual dues.

c. Revision of FPOA declarations (covenants, declarations and by-laws). As discussed in previous meeting minutes and newsletters, your board of directors has established a permanent relationship (fixed retainer) with the law firm of HindmanSanchez, LLC (www.hindmansanchez.com). This law firm works exclusively in the area of community association law, and our experience with this firm has been very positive. In addition to providing advice on day-to-day business issues, FPOA has contracted with HindmanSanchez to conduct a thorough review of our association's governance documents (declarations). These changes are substantially driven by changes in state law (e.g., The Colorado Common Interest Ownership Act (CCIOA)), and by changes in technology and business practice. **It was stressed to the membership in attendance that any changes in our FPOA declarations must be approved by a majority vote of 67 percent of all owners. Special meetings will be held for membership briefings and input prior to any votes. Notification of meetings and votes will be made in writing as prescribed in Colorado law and our FPOA declarations.** Check the FPOA website regularly for further information

c. Need to hire part-to-full-time manager. Kevin and Dave outlined to the membership the substantial progress that had been made in conducting necessary FPOA business (see agenda). That said, they made it clear to the attendees that the personal time they were devoting to FPOA business had exceeded any and all reasonable expectations. Kevin announced to the membership that the board of directors had unanimously voted to approve the hiring of a part-to-full-time manager to sustain the business of the association, and to address work that remains to be done. It was noted that the vast

majority of members in attendance at the annual meeting acknowledged the progress being made, and the need to hire additional management help. The support of attendees is greatly appreciated. As of this writing, a position description has been established for the position, and our association's attorney at HindmanSanchez has been contacted to provide an appropriate contract for the position. A copy of the position description, and a call for potential candidates, will be placed on our website.

d. Update on purchase of water shares for our community pond. Dave provided a detailed update on progress being made to purchase water shares to permanently sustain water levels in our community pond. It is not possible to provide all the details here. Suffice it to say that Dave is extracting the best possible performance from our association's water attorney, aggressively following up on actions and monitoring the accuracy of all billings from the attorney. Water law, and the associated processes, is *exceptionally* complicated. **Our HOPE is that this business will be completed in CY 2011. However, most of the actions are beyond our control.** Dave noted that, while our water issue is important to the FPOA membership, it is very small in scope compared to other water issues facing the state water court. Updates on this issue will be included in future board meeting minutes, and posted on our website.

e. Enforcement of our FPOA Covenants and By-laws. Comments provided by members in attendance clearly indicated that enforcement of Foxtail Pines covenants and by-laws remains an owner priority. Your board of directors shares your interests and concerns. **All members are reminded that downloadable copies of our association's covenants and by-laws are available on our website at www.foxtailpineshoa.org.** The board has already increased enforcement actions on covenant violations, and the assistance of our association's attorneys at HindmanSanchez has been invaluable.

Particular attention is called to 2002 revisions to our covenants regarding the Architectural Control Committee (ACC) (copies available on the website). Members are reminded that any significant activity on your property requires prior approval by the ACC. Specific provisions, extracted as follows, include:

ARTICLE IX ARCHITECTURAL CONTROL

Section 1. Review of Plans. No building, fence, wall, canopy, awning, structure or improvement, or change in landscaping, shall be commenced, erected, altered, moved, removed or maintained upon properties, nor shall any exterior addition to, or change or alteration thereof, be made until the plans and specifications showing the nature, kind, shape, height, materials, color, and location of the same shall have been submitted to and approved in writing as to compliance with the Declaration, and as to harmony of external design and location in relation to surrounding structures and topography by an Architectural Control Committee composed of representative appointed by the Developer or elected as set forth in Paragraph 19 of the Declaration.

Members are also reminded that **the violating member** will be responsible for any legal costs incurred by your Foxtail Pines Owners Association in enforcing our covenants.