

Foxtail Pines OA  
Special Board Meeting  
November 11, 2017  
North West Fire Fairplay Station Training Room

Board members present:

Janine Snyder	President
John Davis	Vice President
Rob Martinelli	Secretary
Tammy Devine	Treasurer

Owners present: Keith Emerson

Others present: Ehren Penix; Hartshorn Law Office LLC (arrived prior to legal discussion)

Call to order, established a quorum at 10:15 AM.

Purpose of this Special meeting was to discuss actions taken and additional actions needed to pursue road resurfacing project, as directed by Owners at the Annual Meeting of August 5, 2017.

The attendees reviewed the letter dated October 26, 2017 from the Hartshorn Law Office regarding the proposed resurfacing project. The conclusions from the letter are summarized below:

1. The proposal was properly brought before the members and properly approved at the Annual Meeting by an overwhelming majority of the quorum present.
2. The Association has a broad grant of power to install and maintain roadways in the development, and to perform actions to promote the common benefit.
3. This proposal to chip-seal the major roadways is a proper, member-approved exercise of that power.
4. The general rule on division of easement maintenance does not apply, since the members have agreed – via membership –that the Association has the power to install and maintain the roadways.
5. Since the general rule does not apply, the costs of the proposal can be allocated equally to all members.

The Hartshorn Law Office suggested that the Association formalize its agreement with Park County with a memorandum of Understanding or other agreement which identifies the specifications for the materials to be supplied, and details the division of responsibilities.

After review of letter and discussion with Mr. Penix, we agreed to take the following steps:

1. Receive proposal from Park County
2. Develop an MOU or similar agreement, to be approved by County Manager.
3. Send letter to Owners updating status of project and advising of Special Assessment.
4. Schedule a special meeting of Owners (early in 2018) to confirm agreement to proceed with project; including Owners voting by ballot.

Adjournment: Meeting adjourned at 11:39 AM

Next Meeting: The next Quarterly Board Meeting is scheduled for January 13, 2018 at 10AM at the Northwest Fire Station.