

RVRMA EXECUTIVE BOARD MEETING
Wednesday, September 27, 2023, at 5:30 p.m.
Ranch House Conference Room and Zoom
Meeting Minutes

Executive Board of Directors

Michael Banbury, President (*via Zoom*)

John Lund, Vice President

Todd Richmond, Treasurer

Ben Johnston, Secretary

RJ Spurrier, Director

Sherry Stripling, Director

Carl Hostetter, Director

Management Attendees

Ashley Lynch, General Manager

James Maguire, Controller

Jessica Hennessy, Director of Design Review & Admin. Services

Ali Royer, Director of Programming & Community Engagement

Travis Green, Facilities & Grounds Superintendent

Homeowner Attendees

Via Zoom:

Todor Radmilovich

Abby Radmilovich

Patti Crockett

Jeff Krentz

John Krousouloudis

Paul Brown

Krys Greenwood

Marti Stude

Jen Hamilton

In Person:

Sarah Murr

Cari Shurman

John Shurman

Diane Cavarra

Wolf Gensch

Nancy Gensch

Nina Factor

Doug Factor

Sarah Gilbertson

I. Call to Order- Establish Quorum

- Board Vice President, John Lund, called the meeting to order at 5:31 p.m. A quorum was established.

II. Approval of Minutes

- Board Directors, Carl Hostetter and Ben Johnston moved and seconded the approval of the meeting minutes of the RVRMA Executive Board

Meeting held on Wednesday, Aug. 23, 2023.

III. Public Comment

Cari Shurman commented that it would be helpful if the board went over CCIAO rules and how they pertain to what we do at RVR.

Wolf Gensch commented that he thanks Ashley Lynch and his team for all the extra work that they have taken on regarding the Fourth Amendment vote.

John Shurman commented that he seconds what Wolf said.

Nina Factor commented on the Fee Sheet that was presented in the board packet. Nina stated that we have had non-resident usage issues in the past and that she doesn't think we should allow outside Kid's Tennis Camp members or transfer memberships. Nina noted that non-members using the facility take up time and resources from homeowners. Nina went on to say that she is happy that there is a group fitness class fee but that \$2 is not enough.

Abby Radmilovich commented that she is a part time resident in RVR but intends to become a full time resident once her children are launched. Abby commented that she has a concern regarding infringement on rights and taking away existing rights. Abby added that there are only 14 STR's currently in RVR and that she believes that number will go down because investors and agents will flip their homes and will not be able to get new licenses because they are not primary residents. According to Abby the only other lodging in Carbondale is the Comfort Inn and Days Inn and STR's will bring people to Carbondale that will spend money at restaurants shops etc.

John Krousouloudis commented that he wanted to thank Ashley and the team for a quick response on tree trimming in the neighborhood. John thought that should be recognized because he hadn't seen that kind of quick action before. John also thanked that board for clarifications that were sent out about the Short-Term Rental Amendment and clearing up a lot of misunderstandings that were circulating on social media.

Todor Radmilovich commented that the STR vote will share a lot about the community. Todor commented that he believes that 1) there is potential infringement on long standing rights. 2) he believes there is a group spreading disinformation 3) he believes the amendment goes beyond STR restrictions and 4) he believes fines would be high for

violators of the amendment. Todor went on to talk about member directory rules on the website and that he thinks they have changed recently. Todor added that he was surprised to see so many homeowners vote yes on the amendment.

IV. Committee Report

- **Long Range Planning**

John Lund stated that there will be a Long-Range Planning Meeting on Tuesday, Oct. 17 at 1 p.m. and it was noted in the newsletter. John added that there was a thought that it would be a good idea for the committee to reach out to local architects and builders in the neighborhood about the plan. A recent meeting was held with RVR residents that are architects, Marc Margulies and Kevin Kreuz, to get feedback on the plan and discuss ideas on how to make the plan better and more cost effective. It was asked how many homeowners responded to the LRP survey. Ashley commented that it was roughly in the 60th percentile but that McMahon has not verified numbers yet.

V. Month End Financial Review – James Maguire

RVR Controller, James Maguire, shared a financial presentation at the meeting. With a look at August's performance, year-to-date budget versus actual, and our reserve account.

According to the budget versus actuals for the month of August, income came in \$12,000 over budget. There was a spike in DRC income in August which drove it up along with more than expected.

Cost of goods sold were also over budget by almost \$6,000. Most of the overage is from increased tennis costs which are in proportion to the increased tennis income. The other factor was higher credit card fees which comes from increased point of sale transactions during the summer.

Expenses were also over budget for August by \$12,000 primarily due to tree maintenance which was over budget by \$16,000 for the month. This has been expected as mentioned in previous financial reports and is mostly a function of timing. Bottom line for the month of August is a deficit of close to \$6,000.

As for year-to-date, we are still doing very well. Budgeted income was \$1.897 million, and we brought in \$1.910 million, a variance of less than 1%. Cost of goods are running over budget by \$6,179 or a 3% variance. These increased costs are mostly proportional to increased income. Expenses are still running under budget and now we are only \$35,000 under, or a 2.1% variance. Out of a budgeted \$1.671 million, we spent 1.636 million. As mentioned previously, we do expect that margin

to thin out in the next couple of months with some deferred expenses and as we strategically try to end the year close to budget. Bottom line for year-to-date as of July 31 there is a \$42,254 surplus.

James shared a snapshot of the reserve account. As of August 1, we had a \$2.230 million reserve balance. August assessments were \$38,780 and interest income was \$10,423 for a total increase of \$49,203. August spending included finalizing the security camera system upgrade, payments for McMahon for long term planning, resealing the parking lot and replacing roofs on the dugouts at Triangle Park for a total of \$47,276 spent from the reserve. The ending reserve balance on August 31 was \$2,231,608.

VI. Management Update

- **General Manager Report- Ashley Lynch**

General Manager, Ashley Lynch, commented that irrigation blowouts are upcoming. The main line will be turned off on Oct. 2 and irrigation blowouts will start on October 9. The pool will have its last day on October 1. Ashley met with the Town Arborist, and they are recommending treatments for next spring which the association was already anticipating. There are about 183 or so trees that they are recommending treatments for RVR trees and there estimated pricing is \$30,000.

RJ brought up that there was a discussion in recent years about water conservation. He added that he would love to see a plan and ballpark budget number that the board can consider addressing the reduction of irrigation water from sprinklers that flow into the gutters. Travis said that it was something they will work on.

Ben Johnston commented on the Crystal River Restoration project. He said that the project looks stunning, and he was blown away by the great job they did.

- **Programming & Community Engagement Report- Ali Royer**

Ali Royer stated that Ranch House usage was higher every month since last summer (including member check-ins as well as guests). A kid's ballet class was added on Tuesday afternoons, and it has been very popular.

- **DRC Report- Jessica Hennessy**
- **Finance Report- James Maguire**
- **Outside Service Report- Travis Green**

VII. Old Business

- **Short Term Rental - Voting Update**

Ashley shared the short-term rental voting update and said that the full document can be found in the board packet.

292 yes votes and 83 no votes. 368 total yes votes needed to pass and 76 More yes votes needed to pass (548 total voters 173 remaining votes). As of 8 a.m. On 9/22/2023. Ashley added that a great number of people reached out to him because they did not see their address on the list of people who voted. Ashley clarified that it is difficult to find one's address on that long list and that his recommendation is to press Ctrl F feature to search the document.

John Lund commented that there is a fair amount of communication going on amongst community members on the Fourth Amendment topic. There were a couple of public comments about CCIOA rules and how those rules play into this and there was another homeowner that commented on directory information.

Ben Johnston, Board Secretary, commented that CCIOA does apply to our HOA and pursuant to the recent amendments, the maximum fine per violation is \$500. Ben added that this was a question he had for the HOA's attorney (regarding the \$10,000 fine out in the amendment) it is subject to the \$500 cap and the association cannot go out and fine someone more than \$500. The reason it was up to that \$10,000 amount is to leave room for future changes to CCIOA. Ben went on to say that CCIOA trumps our declaration. Ashley added that a homeowner would also have a right to sit before an enforcement committee hearing, so if a fine were actually issued, a homeowner would have the right to request that hearing and the HOA has an obligation to inform them of that right as the HOA reaches out to fine them.

John also noted that another piece to that is there has been a suggestion from some that maybe bad things can happen with a different board or different administration. John continued to say that he learned in first year law school that any time you interpret a document, one of the things you have to do is construe it reasonably and not apply it in some way that could be absurd or not consistent with the intent of the document. This is the rule because the words are never perfect to anticipate everything that might come along. The other thing about CCIOA is it addresses the member directory list. Ashley commented that the HOA does not release any member data. Not so much as an email address or a phone number is given out without the expressed consent of the individual whose information is being requested. Because we are a large community, we do have a

member directory. While CCIOA law does not require an HOA to have a directory, if a community has one, it must contain contact information that is voluntary on the part of a homeowner. CCIOA legislation goes on to state, ***“a member list or any part thereof may not be obtained or used by any person for the purpose unrelated to the unit owners’ interest as a unit owner without consent of the Executive Board.”*** The HOA has discussed this with our lawyer, and we feel that the use of the directory to discuss the matter of short-term rentals is related to a unit owners’ interest as a unit owner. It was also commented that a form was sent out in the newsletter recently that homeowners could fill out to opt-in or out of having their information in the directory. A form was also sent out to all homeowners within the last year, which asked that homeowners update their contact information, while also asking whether or not they authorized the HOA to disclose that specific information on the public directory. Ashley went on to state that the web page that was referred to earlier in the meeting (concerning rules surrounding the use of the member directory) was an old page and there were no links on the website to access it. Apparently, unbeknownst to anyone, if you use the website search feature you could find a page with verbiage about our directory along with verbiage concerning a babysitter directory which hasn’t been used for seven to ten years. It was added that, all existing official policies, rules and regulations are on the governing documents section of the website. Official Policies, rules and procedures are adopted and considered by the board pursuant to our rule making policy and CCIOA legislation always trumps any HOA rules/policies or procedures. In that way, outdated verbiage on the website would not be considered an official rule or policy and CCIOA rules surrounding its use would always apply.

In the course of this discussion, Ashley also shared more of the CCIOA provision surrounding the use of a community directory noted below:

“(I) Notwithstanding paragraph (a) of this subsection (2), a membership list or any part thereof may not be obtained or used by any person for any purpose **unrelated to a unit owner’s interest as a unit owner without consent of the executive board.** (II) Without limiting the generality of subparagraph (I) of this paragraph (b), without the consent of the executive board, a membership list or any part thereof may not be: (A) Used to solicit money or property unless such money or property will be used solely to solicit the votes of the unit owners in an election to be held by the association; (B) Used for any commercial purpose; or (C) Sold to or purchased by any person.” C.R.S. § 38-33.3-317(2)(b)

- **Board Liaisons - OTAC & SAC**

There was a discussion from the board to adopt a new board liaison for the Old Town Advisory Committee and possibly gauge interest for the role of Settlement Advisory Committee liaison.

The charter for both committees allows for 3 to 5 members. Old Town currently has 3 members which is a little thin (the settlement has 5).

The role of these liaisons would be to attend the committee meetings and have a good working relationship with the Chair of the Committee. Ashley added that a liaison could help streamline how the committees are ran and help them run more efficiently.

The board agreed to sort it out between now and the next meeting and possibly do some appointing at the next meeting.

VIII. New Business

- **Fees for 2024 Budget**

The board discussed the proposed 2024 fees document. Ashley went over a few highlights of the fee sheet including membership transfer fees, DRC hourly fees, construction deposits, Thompson Corner membership increases and fitness classes to name a few.

The board talked about the idea of increasing the fitness class fees or keeping them the same as the previous year (two dollars a class). Board President, Mike Banbury, noted that the matter of fitness class fees didn't necessarily need a board vote. Some board members thought three dollars per class could work, one board member suggested four dollars per class, and others thought the fee should remain at two dollars a class.

RJ brought up the concept of a pricing model that could offer the option between a per usage fee or a larger fee for the year or month. Ali and Ashley noted that unfortunately, the booking software is not equipped to handle packages properly.

IX. Adjourn

Ben Johnston and RJ Spurrier moved and seconded to adjourn the meeting. The meeting adjourned at 6:42 p.m.

X. Executive Session

- Legal Discussion - Allocated Interest
- Staff Wage Discussion