

Meeting Type: Executive Board Meeting (OPEN)  
Meeting Location: PLPOA and Zoom Meeting (due to Covid restrictions)  
Meeting Date: Tuesday, December 15, 2020

Directors Attending: John Thomas  
Al Gonzales  
Steve Dayton  
Kate Crawford  
Bobby Phillips

Members Attending: Richard Gonzales  
Joyce Scahill  
John Scahill  
Robert Sparks  
Deborah Sparks  
Desi Dundics

1. **CALL TO ORDER:** Meeting was called to order by President Thomas at 11:30am.
  
2. **ROAD OWNERSHIP:** Member Gonzales reported on his meetings with the County Administrator, Bentley Henderson. Member Gonzales was in receipt of a letter dated 8/24/17 addressed to Joyce Scahill (past president EPEPOA). Mr. Henderson acknowledged that the letter is clear that the County does own our roads but could not locate a file about EPE's road ownership. The letter inferred there was back up material included with the letter, but no back up material was found. Our HOA assumed maintenance responsibilities even though the issue of ownership was not disputed. Member Gonzales reported:
  - County Clerks office has no file on our subdivision
  - Regulations on road ownership and maintenance not on file with the County. How does the County define "maintenance"?
  - Legal dept cannot explain why there is no file
  - October 1995 our subdivision was dedicated to the County, but no records exist with the County. Open space was deeded to the HOA. Have 10/10/95 copy of dedication along with the letter from the County.
  - Inquiry with Davis Engineering who was the engineering firm at the time was contacted and they have no records either but did provide subdivision regulations from year 2000.
  - Capstone, another HOA, was not dedicated to the public. Powder Horn-unclear if dedication ever done. Martinez Village was dedicated to the public.
  - Property taxes on the open space is exempt per the County
  - No deed on our roads per the Platt but Platt accepted dedication of the road ownership but not the maintenance. Stated in #8 of the dedication that the HOA is responsible for maintenance
  - Maintenance of our roads has a direct correlation with the liability issue.
  - Emails dated 11/14/20 and 11/18/20 from Member Gonzales to the EPE Board Members summarizing the meetings with the County.

- Dedication done in 1996 on road ownership but did not take ownership of the maintenance on the road, predicated in paragraphs 3.1 and 3.2 of the documents.
- Road and Bridges superintendent, Rick Perry, was reluctant to put anything in writing so Member Gonzales sent him a follow-up email about their meeting and Mr. Perry concurred with the discussion and stated he was willing to sit down with the HOA Board Members for future discussions.
- How are the property owners protected from any liability if we pay for the maintenance of the roads? Need a description of what “road maintenance” is and Mr. Perry will help us do that.
- Biggest concern is the liability if we do our own maintenance. Does our liability insurance policy cover the HOA and its members if an accident occurs on our roads while doing maintenance, if we don’t own the roads?
- Consider cost-sharing of the maintenance with the County
- Would any of our previous Board Members have contacted Mr. Eaton or his estate on this issue and if so, where is that information?
- Our HOA has spent money on patching holes in the road in the past but maintenance definition remains questionable.
- Are we held to the 1995 regulations that no one at the County can produce?

Member Joyce Scahill stated the October 1995 letter from the County was clear that EPE’s property owners were responsible for road maintenance and that included our irrigation ditch. She also added that Capstone did hire an engineer about their roads.

Member Dundics stated we need the County’s input on their terminology of what road maintenance is since they cannot tell us what maintenance we can do and what are the standards the County has laid out based on condition.

Vice-President Gonzales asked if we need a real estate atty on this and is it legal what we are doing with the County? Also, a hole was dug near our bridge by someone and now a mound of dirt and rock remain, blocking the area where water runs off in the spring. Will check with Conservancy. Needs to be cleaned up before spring to prevent flooding in that area.

Motion made by Treasurer Dayton to:

- EPE BOD meet to come up with strategy before meeting with Mr. Perry and Mr. Henderson on what maintenance definition is and who is responsible going forward. Director Phillips 2<sup>nd</sup> motion. All members attending in favor, no opposed.

3. **FINANCIALS:** Treasurer Dayton reported:

- (3) CD’s coming up for action. One renews in Jan, one in March and one in July. Not great options for renewal as interest rates are low.
- Suggest we invest in gov’t securities or short-term corporate bonds. Safe, low risk, no cost on trades. Short-term bonds safer than 30-year bonds, even if interest rates go up. Ability to sell them anytime. Minimal interest gains currently. Liquidity risk unless held to maturity. No penalties if we need to liquidate and spend \$\$ on road maintenance. Monthly dividends paid.

Motion made by Treasurer Dayton to invest at that level of risk. Vice-President Gonzales 2<sup>nd</sup>. All members in favor, none opposed.

- All dues collected except one member. They did not pick up the certified letter we sent but the one we placed on their door was gone. No response to demand letter to date.

Will proceed with our atty sending them a letter or we can use PLPOA atty. They were advised if nothing within 30 days we would pursue other legal avenues.

- Director Phillips volunteered to try and talk to member first about paying.
- Member Joyce Scahill said we were within our legal rights to put lien on house and Director Phillips can mention that to the member if he speaks to her.
- President Thomas stated we would not hire atty yet until Director Phillips had a chance to speak with that member.
- \$625.00 paid to accountant in Sept. 2020 and will no longer have that expense as Treasurer Dayton will do the accounting.
- Keep interest account open for members that get reimbursed their building deposits and for future construction deposits.

No new business.

Member Scahill motioned that the meeting adjourns. Secretary Crawford 2<sup>nd</sup>. All attending members in favor, no opposed. Adjournment was at 12:47pm.