

RETREAT LANDOWNERS ASSOCIATION
Board of Directors Meeting
May 10, 2008 @ 9:00am
Mike Frederick's Residence – 724 Copper Hill Road

Attending: Mark Lee, Dick Boggs, Frances Cunningham, Graham Fowler, Mike Frederick, Rob Squire

Also Attending: Vicky and Guy McCoy, Jan Ricker, Duke Sumonia, Ann Martin, Becky Lorenz, Anita Meis, Nancy and Tommy Dunavan

The meeting agenda was adopted with two changes in the order and the minutes of the March 8, 2008 meeting were approved with the following amendment:

The minutes that were originally written say "Hunting Policy: The Board rescinded the hunting policy previously adopted." This was incorrect. The Board never actually adopted a hunting policy. A hunting policy was discussed in past meetings, as was a firearms policy, but neither was adopted. The March 8 minutes should be (and have been) amended to say "Hunting/Firearms policies: it was decided to table any action on a hunting or firearms policy indefinitely."

Landowners Comments: Duke Sumonia submitted a letter dated May 10, 2008 (see below) stating four concerns. The Board agreed to address his concerns in writing (see below).

Board Member Comments: Frances Cunningham expressed a concern about adequate signing prohibiting motorcycles in the Retreat. The Board decided to consult an attorney about the legality of prohibiting motorcycles and enforcement.

Graham Fowler thanked the Board and RLA for all the cards and support given for his daughter Emma as she recovers.

RLA Donation: Guy McCoy suggested that a donation be made in Emma's honor. It was moved, seconded and carried (Graham Fowler abstained) that \$100 be donated from the RLA to The Children's Hospital, Oncology Program in honor of Emma Fowler.

Treasurer's Report: Anita Meis presented the Treasurer's Report which shows the checking balance at \$1710.63 and savings balance at \$72,333.94 as of 5/02/08. Bill Widmaier performed an evaluation of the 2007 accounting books and found them to be in order.

Anita explained the differences between a review and an audit. Generally accounts under ten million have a review rather than an audit when such a service is necessary. An audit is generally more costly.

Assistant Treasurer's Report: There have been no sales since the last report. Only one assessment is outstanding and Graham Fowler volunteered to contact that property owner. It was moved, seconded and carried that June 10, 2008 be the last day to pay the assessment and that the procedure to file a lien commence at that time if not paid.

Also, Jan Ricker reported that the 10,000 gallon water storage tank is in place and should be operational soon.

Architectural Control Committee Report: There have been no applications submitted or approved since the last written report.

Roads Committee Report/3-Year Road Plan: Dick Boggs outlined the road maintenance/improvement projects for the next three years which are in accordance with the plan adopted in 2003. He recommended maintaining the snowplow two more winters with a new purchase in 2010. He suggested leasing equipment as an alternative. Costs to maintain the roads according to the 2003 plan will result in an approximate \$35,000 deficit by 2011 and a new snowplow truck is expected to cost about \$40,000. Numerous alternatives were discussed regarding meeting road maintenance needs while minimizing deficits. Spending reserve funds and increasing assessments were also considered. It was moved, seconded and carried that raising the assessment cap \$50 be included as a ballot initiative for the annual meeting. It was also moved, seconded and carried that independent of the outcome of the increased assessment cap, that the 3-year road plan as presented by the Roads Committee be approved and the 2008 budget be amended to accommodate it.

Dick Boggs reported that the water truck was converted for RLA use for less than \$1000.

Environmental Report: Peggy Burch's written report indicated that the beetles may fly sooner than normal this year. Treatment of trees was outlined. The Estes Land Stewardship Area (ELSA) is joining with "Pulling for Colorado" to hold a weed collection on July 12th to allow dropping off of black plastic bags of weeds for disposal.

Communications Committee: There have been 5200 "hits" on the RLA website in less than a year.

Town Hall Meetings: Rob Squire proposed proceeding with "Town Hall" meetings since it appears that a related lawsuit is no longer pending. He suggested a couple of meetings prior to the annual meeting to discuss road maintenance, assessments, etc. He stressed the need to reach a compromise that provides some satisfaction to all having different points of view. It was suggested that a professional mediator be hired to facilitate the meetings. It was then moved, seconded and carried that the meetings take place as soon as possible and that, if possible, a professional mediator be obtained for the meeting(s).

Annual Meeting Ballot Initiatives:

Assessment Cap – Raising it \$50.00

GHAVFD – The Board recommends \$100/member for the next 3 years

Board Candidates – 3 positions are open. Candidate "bios" must be submitted by June 6, 2008.

Audit/Review – Include a ballot initiative to amend the bylaws/policies in order to be in compliance with actual practices (annual review)

It was decided not to hire a Parliamentarian for this year's annual meeting.

Water Storage Program: Nancy Dunavan thanked Steve Childs and Jim Broomfield for their extensive time and efforts in completing the installation of the 10,000 gallon water tank on Jan Ricker's property. Nancy explained that with the beetle infestation, continual drought and wildfire threats, additional water storage/dry hydrants are crucial for The Retreat. The Retreat must take responsibility towards wildfire mitigation as it

cannot rely on slurry planes and other firefighting resources that must attend the highest priority fires throughout the state and western region. The GHAVFD Fire Chief has suggested the RLA have four more water storage tanks and 3 more dry hydrants.

She suggested various ways to encourage members to contribute to a fund earmarked for RLA water storage that would be managed by the GHAVFD which is a nonprofit 501 (C) (3) organization making all contributions tax deductible.

The Board recommended that this program be on the annual meeting agenda and that information on it be included in the meeting packet mailed in June. It was then moved, seconded and carried (4 yes; 2 no) that \$5,000 from the RLA reserve fund be put in this fund towards the purchase and installation of 3 dry hydrants and that the RLA membership be “challenged” to match this amount so all 3 hydrants can be installed this year.

Meeting time was extended 15 minutes.

Wine & Cheese Party: Frances Cunningham volunteered her home for the wine and cheese party to be held Friday, July 18th.

Reports: Jim Boyd submitted a note informing the RLA membership that the Sheriff dispatch is no longer in Estes Park and that the new non-emergency phone number for the Sheriff is 970-416-1985. He cautioned all to be wary of door-to-door sales people. On May 20th at 6:00pm, the Sheriff and Wildlife Division will be giving a seminar on trespassing and poaching at the Sheriff’s office in Ft. Collins.

The ballot initiative on raising the assessment cap will need considerable effort to inform members and Mike Frederick volunteered to coordinate this effort.

Meeting adjourned at 11:25 am.

Joan Van Horn
Meeting Recording Secretary

**Landowner Comments
RLA Board Meeting
May 10, 2008**

I submit the following written landowner comments for inclusion in the minutes in accordance with RLA Policy on Meeting Minutes

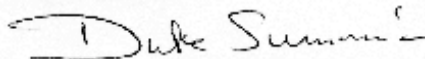
I am concerned about the board's failure, for one reason or another, to adhere to the bylaws, policies or statutes in their fiduciary responsibilities. The following are just 4 examples of either omission or commission.

- 1. Bylaws require board to "cause the books of the Association to be audited annually by a member committee." The board has chosen to ignore this by saying only a review is necessary. Bylaws had been specifically amended to "save money" but yet meet member's desire to have an audit.**
- 2. Bylaws require replacement of a director who resigns by saying, "...his/her successor shall be selected by a majority of the remaining Member(s) of the Board...and shall serve for the unexpired term of his/her predecessor." It says "shall" not "may". The board has decided to hold position open until election at July Annual Meeting (2 months from now) – position has been vacant for 3 months. Two previous vacancies were filled within 2 weeks in one case and about 4 hours in the other. The decision to "elect" was not as a result of a vote at a board meeting nor recorded/reported (as required) in an Action Taken Without a Meeting. When and how was the decision made?**
- 3. The board has taken actions without a meeting a number of times and has failed to report as required by the bylaws and statutes.**
- 4. Failure to adequately and fully educate members by Annual Disclosure as required by statute.**

I may raise these issues at the Annual Meeting if not satisfied board will remedy these concerns.

Respectfully submitted.

Duke Sumonia



Response to Landowner Comments from Duke Sumonia
Sent May 10, 2008 12:52 PM via email

Item 1.

The bylaws state that the board is to have the books audited by a member committee. As was discussed at the meeting today, this is conflicting language. An audit has to be performed by an independent CPA. By definition, a member committee is not independent. As has been the practice in prior years, the board asked a member to perform a review of the 2007 books. The results of this review have posted on the RLA website as you were previously notified.

Item 2.

On the board vacancy, the board decided at the March meeting to leave the vacancy open until the annual meeting in July at which time the membership could make the selection.

Item 3.

The board is permitted to make decisions outside of scheduled meetings. We rarely do so, however, we make every attempt to communicate any of these decisions at the next meeting for inclusion in the minutes or in the newsletter. I am not aware of any that have been omitted. If you know of any that have been omitted, please bring them to the attention of the board and we will rectify the situation.

Item 4.

As far as I know, everything required by statute to be disclosed has been. If there is something you wish to know about the Retreat that is not available on the web site, contact one of the board members and we will be glad to provide you with the information if it is available.

M. Lee