

Bylaws Committee Report
Meeting Date: April 12, 2022
Held via Zoom

Members Present: Tim Wheeler, Dave Rahn, Stan Dunlap
Members Absent: Mike Riley

Meeting came to order at 2:00 PM Mountain Time

- 1) New Business:
 - a) Bylaws Adoption Discussions: Discussed the order of activities to be performed for adopting the proposed Bylaws. Dave will further develop the various ideas discussed and send them to the Board.
- 2) Old Business:
 1. Bylaws Follow-up:
 - i) Obtain legal opinions on:
 - (1) Bylaws:
 - (a) Determining all Member's rights to view and obtain other Member's contact information.
 - (b) Resolving conflicting legal opinions to conclusively decide if two board members from one parcel serving on the Board concurrently is a violation of the current Bylaws.
 - (2) Rules:
 - (a) Obtaining/Developing a legal definition of a "Commercial Business" since this is a critical term in managing STRs.
 - (b) Confirming that "grandfathering" existing STR operations can be done while at the same time not allowing new STR's to start doing business.
 - ii) Mutually agreed to text changes/deletions to the proposed Bylaws initially recommended by the Committee in its reviews:
 - (1) Section 1.2.2 by using italic formatting to the reference of the former CC&R's.
 - (2) Section 1.2.3 by verifying that this definition is consistent with Article X Section 10.2 which requires a majority vote of the Members to change any part of the Bylaws.
 - (3) Section 1.2.5 with agreement that "people" be changed to "Members"
 - (4) Section 1.5 modifying the text to use conventional financial terminology.
 - (5) Section 1.6.2 by adding a reference to the CC&R's Section 5.5 and modifying the text to state the Individual Assessments are "Special Individual Assessments in Connection with Emergency Repairs."
 - (6) Section 2.2 by deleting the text "(HOA)"
 - (7) Section 9.1.1 by deleting the entire section because it is covered in a Policy under development.
 - (8) Section 9.4 by moving the entire contents to the Rules.
 - (9) Section 9.5 by adopting text that more accurately explains the Reserve process and states that the Treasurer must:
 - (a) Do a reserve study no less often than every three years, and,

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- (b) The Treasurer shall monitor the Reserve account and make monthly reports to the Board on the status of the Reserve.
 - (10) Section 7.3 (Conducting additional legal research)
 - (11) Section 7.1. by moving all text to the Policies and Rules, except the following text: “The Board shall be responsible for prioritizing and monitoring Association financing. The Approved Annual Budget must reflect the needs of the Association as prioritized by the Board.
 - (12) Section 10.2 by confirming that the final Bylaws includes text that future changes to the Bylaws can only be made by a majority vote of Members.
 - (13) Section 7.1 by editing the text to one sentence.
 - (14) Agreed that each Rule must have an individual “Adoption Date” and the entire set of Rules should have an “Effective Date”.
2. Rules:
- iii) Stan led a discussion on the latest draft of the Short Term Rental (STR) Rules and forms. Key discussion points and discussions included:
 - (1) Confirming with legal counsel the Board’s and Committee’s conclusions that operating STR’s is a violation of the CC&R’s.
 - (2) Confirming that “grandfathering” the existing STR’s can continue in business while not allowing new ones.
 - (3) Reviewed and edited:
 - (a) The proposed STR licensing process.
 - (b) The forms to support the proposed STR process.
 - (c) Suggestions to change the form’s text to place the responsibility on the owners for compliance to the process.
 - (d) It was noted that the terms “owners” and “homeowners” used in the STR forms need to be changed to “Member” to achieve consistency with all the Rules, Policies and the restated Bylaws currently under development.
 - (4) Discussed that rules need to be developed and adopted to manage large group events occurring at STR’s.

Meeting Adjourned at 2:30.

Next meeting is scheduled on Zoom for April 19 at 1:00 PM, Pacific; 2:00 PM Mountain and 4:00 PM Eastern.