

SILVER CREEK HOA BOARD MEETING
April 20, 2023

ATTENDEES: Stan Engh, Greg Gardner (CAM), Carol Stauffer, Karen Hayes, Dale Zabriskie, Glenda Lowe, Jim Caster, Lindsey Dover, Carla Peay, Several Homeowners

ABSENT: Tom Bandley

CONDUCTING: Stan Engh

Introduction of HOA Board Members to Homeowners

Homeowners Comments

Love the community and thank you for all the work the board does

Can the community have a garage sale. (The activity community will look into this request)

What are we going to do with the Palm Trees. (This is being determined)

Which board member is over landscaping? (Stan Engh)

What happened to the pool sign-in sheet (?). I heard you no longer have to shower? (The Pool Rules have not changed).

Can we still sign up for AutoPay for our HOA dues? (Yes, they are due the 1st of every month)

Do we still have Senior Swim? (Yes, the pool rules have not changed)

Landscaping standards? (The state is setting new standards in June. We will wait for their guidelines before we set our standards)

What are we doing with the land by the clubhouse? (CAM is sending out a poll for homeowners to complete on what they would like done with this space) They are new to the community and introduced themselves.

What are we doing with the sprinklers? They have some that are not working in the backyard? (The landscaping company is checking all yards to check on the needs and to set water schedules)

Can we change from sprinklers to drip systems? (This is something Stan has been looking into for the last 2 ½ weeks)

Agendas for the Board meetings will be posted on the "hoaliving" portal the Monday before the meeting.

At this time when those attending the BOARD meeting via Zoom we are unable to hear their comments. A homeowner has volunteered to help with setting up our media.

Floor Closed

HOA MANAGEMENT (document provide by CAM)

WHAT ARE THE FIDUCIARY DUTIES OF THE HOA BOARD MEMBER: Fiduciary Responsibilities of Board Members is defined as the obligation that a fiduciary owes to the beneficiary.

In this context of HOA's the fiduciary is the board of directors and the beneficiary the association (and its homeowners). Since fiduciaries are placed in a position of trust and authority – they can act on behalf of the association – it is their legal duty to act in the best interest of their beneficiary, the HOA.

CAN I SUE MY HOA FOR NOT ENFORCING RULES? Yes
CAN I SUE MY HOA FOR SELECTIVE ENFORCEMENT? Yes

CCR language on page 19 section 7

“Waive: No provision contained in this Declaration shall be deemed to have been waived by Waivers for reason of any failure to enforce it. Irrespective of the number of violations.”

No provision in the CCR is changed

It is the responsibility of the HOA President to follow the CCR's or Rules and Regulations.

The CC&R's or Rules and Regulations cannot be enforced selectively.

March Minutes: Jim made the 1st motion to approve the March Minutes, Karen 2nd the motion, Board approved.

Parking Rules: The Board needs to clarify the 72 hour parking rule.

Violations: Unit 157: Garbage by front door, landscaping. Unit 69 & 98: Trucks with trailers parked in community. Unit 91 & 22: have lattice work above the fence.

Were these violations turned in? We need documentation for all violations.

It was suggested suggested we speak to all homeowners before violations notices are given. Breaking a rule is breaking a rule. Any homeowner who received a violation has a right to bring their concerns about the violation to the board for review.

We would like a copy of the violation letter from CAM to review. The violation letter from our previous property management company was harsh. Dale will obtain a copy of the letter from CAM to review, and make changes he feels are necessary and bring the letter to the board for review.

When a Board member has a vested interest in the Rules and Regulations they should abstain from voting on that Rule or Regulations.

The following items need to be on the CAM portal: Flag pole Rules, Insurance information, Pool rules, ACC form, CC&R's, Amendments to CC&R's, By-laws, 2007 and 2010, Map of Community, Newsletter history, Approved monthly Board meeting minutes & history, the Names phone numbers and emails of the Board of Directors. Glenda will gather the items and send to CAM.

Landscaping: Community standards and State laws will be coming in June. Remove grass from side yards and replace with rocks. Bids are coming in for this work. We will be working with Washington County Water District and homeowners on rebates. 540 North wall needs to be repaired. The HOA will pay for trimming of Palm trees 10 feet and below. Palm trees over 10 feet the HOA and the homeowner will pay for the trimming. Stan needs sprinklers to be repaired by Thursday. He would like to replace our current landscape vendor. There are discrepancies in the work the landscape vendor has reported completed and the actual work completed. The Board wants another landscaper in place before we replace the current landscaper. We would need to do interviews and check on references. Stan will contact the current landscaper in the morning to see if he can complete the sprinkler job, if he cannot Stan will contact Monarch Landscaping to see if they can do it. 1st Motion, Lindsey, 2nd Stan. Board approved. Bids for removing the pods on the Palm trees by the pool. Unit 118 sprinkler system has several leaks.

Architectural: We need documentation of changes to the community. Lindsey is to survey back yards to see changes have been made that were not approved or are against the Cc&R's, Amendments or Rules and Regulations. The following approvals have been made: Unit 17 back yard, Unit 78 back yard, Unit 15, trim bushes and fix shrubs, the landscaper will put in rocks. Depending on the results of the survey there should be a pallet of colors for those who want to paint their doors. Lindsey will obtain the pallet of colors. Lindsey will be responsible for choosing the paint color and lightening for the indoor pool.

Communications: The monthly newsletter should be sent to CAM by the 28th of each month. The results of the survey will be discussed at the next Board meeting.

Security: Discussed pool violations

Clubhouse & Pool: The work on the library needs to be completed, the contractor has already been paid. Bids need to be obtained to paint the clubhouse, fitness room, inside pool? Tom

has been extremely busy with all the work that has been going on in these areas, Carla will act as a backup for him.

Finance: We have \$63,000 in the general fund and \$3,000 in checking. We have not received the February financials from Terra West despite being contacted several times. What is our course of action? Independent Audit, Law suit? There are questions regarding information American Family Insurance needs before they will renew policy. Karen will obtain information and send to them. Karen will be meeting with CAM next week to discuss finances.

Activities: They have several things the committee is considering.

By-Laws. The 2010 By-laws were presented, these are the most current bylaws and should supersede the 2007 document. There is lot of differences between the 2007 and the 2010 document.

Because the 2010 document was never recorded with the county, the public is unaware it exists and are getting their information from the 2007 document.

May 4, 2023 at 8:30 am the Board will have a work meeting at the clubhouse., we will be discussing the By-laws. All Board members should review the 2007 and 2010 review both documents and note the differences and be prepared to discuss.

CC&R's: When CC&R's are changed they must be approved by 67% of the homeowners

May 13, 2023 will be the next Board meeting.