

CHATFIELD EAST PROPERTY OWNERS ASSOCIATION
SPECIAL MEMBER MEETING MINUTES
09/21/23 at 6:00 PM

Valley View Church Sanctuary

OR Zoom

1. CALL TO ORDER

2. PURPOSE OF THE SPECIAL MEETING –to amend the Declaration allowing a one-time Special Assessment. The Special Assessment is needed to cover additional operating expenses for the 2023-2024 budget year that exceed the revenue collected by the Association from the Annual Assessment, which is currently capped at \$250.00 per Lot under the Declaration. The amount of the Special Assessment proposed is \$51,500.00. This will result in a Special Assessment per Lot in the amount of \$500.00.

3. ESTABLISH QUORUM
All members to sign in and all proxies to be counted to determine if 60% of the membership (62 lots) are represented. 25% of the membership (26 lots) may take action to conduct business.

66 lots signed in or sent proxies

4. BUSINESS
 - a. Proposed Amendment 4
 - i. Special Assessments. In addition to the Annual Assessments authorized in Sections 17 and 18 of the Declaration, a one-time Special Assessment in the amount of \$51,500 shall be levied by the Association for the purpose of defraying in whole or in part the cost of any construction, reconstruction, repair or replacement of a capital improvement upon any portion of real property related thereto, or for which the Association has repair and/or reconstruction obligations, including fixtures and personal property related thereto, or for repair or reconstruction of any damaged or destroyed Improvements located on said real property, or for the funding of any operating deficit incurred by the Association. The Special Assessment shall be set against each Lot in accordance with the Allocated Interests set forth in this Declaration and payable as determined by the Board, but in no event shall the Board require payment sooner than 45 days after notice to Owners of the approval of the Fourth Amendment to the Declaration by the Owners.
 - b. Discussion of need for the Special Assessment
 - i. Budget overruns and reserve depletion primarily due to legal expenses
 - i) Water decree – finalized in May with some follow up to understand individual and Association requirements
 - ii) Covenant and Bylaw changes - to update water decree sections, to include Bylaws and Rules that are lot owner responsibilities, and to meet Colorado state statutes

- iii) Covenant Violation litigation - CEPOA intervened in Hoffman vs McMakin case regarding proposed easement across lot 32 for access to 40 acre property. An access road across subdivision lot is against our covenants. Intervention in existing case was deemed to be the most efficient way to resolve. Intervention was filed May 5, 2023. McMakin filed counterclaim (suit) against the Association, CEPOA response was filed. We are now in discovery and attempting mediation. Trial, if needed, now scheduled for February 13-16, 2024.
 - ii. Detailed financial information was handed out as people signed in. The special assessment is about our need for money to continue legal efforts to conclusion and not go into arrears. Should we go into arrears, court would probably appoint receiver to make us whole resulting in member assessment of requested amount plus costs of receivership.
- c. Member question and answer
 - i. General concerns about need for and status of lawsuit. Board can not answer questions about lawsuit as we are in litigation.
 - ii. Some recommend support to preserve or rural way of life
 - iii. Some concerned about whether this \$500 will be the end of it
- d. Collection and counting of ballots
 - i. From those represented, 59 for and 7 against
 - ii. Board will check mail and email for proxies sent prior to or during meeting and not counted [proxies received after meeting do not count]
 - iii. Need 62 to pass. May call for second vote at future meeting.
- e. Announcements:
 - i. **Annual Member Meeting** to be held Nov 9, 2023 at 6:00 pm at Valley View Church
 - ii. **Call for new Board Members** - The CEPOA Board oversees our open spaces, manages our water rights, and facilitates the ability for all members to live an enjoyable rural residential lifestyle. If you are interested in serving on the Board, submit your name to a Board member or use [Contact Us](#). All interested parties will be added to the Ballot with elections held at the Annual Member Meeting.
 - iii. Look for proposed **Covenant Restatement** information coming by email soon - The Board has worked to update the CEPOA Covenants to delete obsolete clauses, update to current state statutes, move clauses in the Bylaws that apply to lot owners into the Covenants, and add some clauses to better protect the Association. We will send information for members to provide feedback by email soon. The restatement and proxy to vote should be sent with the notice of the Annual Member Meeting.

5. ADJOURN