

Carriage Square Homeowners Association Board Meeting

April 4, 2019 Minutes

The meeting was held at 1117 Chaparral Drive. It was called to order by President Michele Stokes at 5:59 p.m.

Board members in attendance were: Michele Stokes, Joe Spencer, Bonnie Borda Hoffecker, Christy McGrew, Jack Sosebee, Dee Ramsey, and Geigy Stringer.

Members in attendance were: Linda Curtis, Mike Curtis, Christine Brandon, Chris Martinovich, Mark De La Torre, and Paul Johnson.

Reading of Minutes of Last Meetings

Secretary Stringer asked for a motion to approve the minutes for the November 7, 2018 regular board meeting, which she had sent by email to the board prior to the board meeting that had been scheduled for March 12, 2019 but subsequently cancelled.

Director Ramsey requested a change to language of Director Borda Hoffecker's proposed amendment to the bylaws so that it reads:

“Amend to be a standard practice that all voting by proxy shall be done on a proxy form prepared by or caused to be prepared by the Board of Directors and timely distributed to the Membership. Only such matters as appear on the proxy form prepared by or caused to be prepared by the Board of Directors and timely distributed to the Membership may be voted upon at any Member Meeting, thereby ensuring that all members are allowed to vote through an established process and to remove the use of proxy votes to circumvent such established process.”

Bonnie Borda Hoffecker moved to approve the November 7, 2018 minutes with the above change. Michele Stokes seconded. Joe Spencer abstained.

Report of President

Michele Stokes said she would render her report under the later meeting segment of New Business.

Report of Secretary

Geigy Stringer apologized to the board that she had not performed the usual and customary records search of newly transferred properties. She said 3 transfers have occurred since November 2018, however had no details at this time. Stokes said one of those transfers was to her parents, who had purchased the home on the corner of Victoria and Cabrolet. Other recent transfers were on Chaise Drive and W. Winnie.

Report of Treasurer

Bonnie Borda Hoffecker reported the bank balance as of March 27, 2019 to be \$5690.35.

The bank balance at last report (as of November 4, 2018) was \$7001.64. A total of \$350 in dues was deposited and a total of \$1661.29 disbursed. Disbursements were as follows:

Post office box rental fee, reimb. To Gail Kane	\$ 112.00
Stamps, paper, postcards, and printing for election mailing, reimb. to Bonnie Borda Hoffecker	250.26
Legal fees to Allison Mackenzie	317.03
D&O Liability Insurance to State Farm	982.00
TOTAL	<u>\$1661.29</u>

In addition, Hoffecker presented receipts totaling \$43.96 for the cost of mailing the postcard sized meeting notices to all members, which listed all future meetings for the remainder of the fiscal year.

Report of Committees

Yard Work Day Committee

Stokes asked for volunteers for the community Yard Work Day slated for April 20. Borda Hoffecker, Stringer and Stokes volunteered. This is one of the 4 annual community events. An emphasis will be on ridding the community of bushes that are encroaching on sidewalks, per City guidelines.

Stokes will provide a trailer free of charge to the association. She will coordinate times with whomever contacts her to sign up for the service. The only cost to the association will be to reimburse her for dump fees.

Garage Sale Day Committee

It was agreed that planning for this event would be tabled for the May regular board meeting.

Stokes explained how the 4 community events have been standardized by the board to be relative to community events or holidays, rather than scheduling them anew each fiscal year. For example, the Garage Sale Day is scheduled as a standard on the Saturday immediately following the Carson High graduation.

Director Ramsey volunteered to help. Stokes will coordinate. She said last year, 18 houses participated. An ad is placed on craigslist.com and the newspaper. Signs propped on cardboard boxes weighed by rocks will be put up at entrance corners to the community. The only cost to the association will be for balloons that are given to each participating property.

Unfinished Business

An observation had been submitted to the Board that trash cans were visible from the street on Chaise Drive. The same member also had a trailer parked on the driveway, in violation of the CC&Rs. Hoffecker said that the CC&Rs do not require that trash cans be stored out-of-sight from the street.

There had been discussion at the last meeting (November) about a member leaving a trailer on the driveway. Since the last meeting, that member had relocated the trailer to the side of the home, still visible from the street. Stringer had clarified to a board member who inquired that the CC&Rs merely required that trailers be parked behind the front line of the house. There was no requirement in the CC&Rs that they be parked behind a fence and hidden from the street.

There had been discussion at the last meeting about trash cans that were visible from the street. Borda Hoffecker clarified that the CC&Rs has no rules prohibiting trash cans from being visible from the street. Discussion ensued contemplating the aesthetic & stowage challenge that will present when all homeowners receive three receptacles from Waste Management, effective July 1 (trash, compostables, and recycling). It was agreed the members should be encouraged in the newsletter to be neighborly by considering the neighborhood aesthetics when stowing their 3 receptacles.

Newsletter

Borda Hoffecker presented the board with a draft of the newsletter she produced. She invited proofing before she mailed them out later that week. Ramsey offered certain edits.

Borda Hoffecker will include the phone number to call the Park Ranger for Carriage Square Park violations. Some examples of reportable offenses were discussed, including teens partying in the late night, well after park closure, and dogs at the park. Additionally, she will print the number to the volunteer-manned Code Enforcement unit for business hours reports, and the regular Deputy for after-hours reports.

New Business

Many of the new business topics were discussed earlier under the Committee Reports segment.

Alleged NRS 116 Violation

Joe Spencer asserted, as he had before by email to the entire board, that the Carriage Square HOA had been operating illegally, in violation of the NRS. He read pertinent language from NRS 81.4, 81.5, 116, and 116B. He said he had talked to the Nevada Real Estate Division and the State Ombudsman, at least two lawyers, all of whom supported his assertion that this association is subject to NRS Chapter 116.

He asserted that all members are required to pay into the association and that membership dues were not voluntary. He said if dues were voluntary, then he would not have been made to pay them at close of escrow when he purchased his home in 2017. He said under NRS 116, the association has lien enforcement authority. In our not posting an agenda to the public prior to meetings, he said the

association was in continual violation of law. He concluded his remarks by saying the association needed to fall in line with NRS 116 or disband as a group.

Spencer did not submit any documents to support his findings and conclusions to be deemed persuasive by the board.

Borda Hoffecker said the association was involved in a lawsuit in the 1980s that definitively established the fact that this association is not subject to NRS 116.

Stokes reiterated Borda Hoffecker's assertion that the association does not fall under that code section, and that the historical records of the association would prove the fact.

Immediate past president Mark De La Torre was asked to hand over the association records that were in his safekeeping from the outset of his administration. He said they "got tossed." When asked by a member in attendance why he would toss them, De La Torre responded that they had "a lot of old stuff" and that his successor Michele Stokes had never come over to retrieve them. Michele responded that she had sent her husband to retrieve the records at which occasion De La Torre had told her husband that he had already given the records to Joe Spencer. De La Torre repeated that there was nothing official in them, claiming there was nothing pertinent to the lawsuit.

Stringer moved to create a legal review committee whose task would be to review the association file that is archived at the lawyer's office, with the intent to digitize and place in cloud storage those file documents that are determinative of the association's status under NRS 82 versus NRS 116. She observed that the question of NRS 82 vs. 116 appears to come up cyclically, with every other administration or so. The value of having proof documents on hand would be to inform all future boards and settle the question once and for all. Borda Hoffecker seconded.

Discussion followed regarding the voluntary vs. mandatory nature of dues. It emerged that the association does not force title companies to collect dues on our behalf, rather it is the practice of title companies to solicit dues information prior to escrow closings, and the HOA responds factually to them.

De La Torre suggested that lawyers be consulted for clarification on the NRS 82 vs. 116 issue and the formation documents amended according to legal advice.

Ramsey added that if the association will be looking to amend documents, attention needs to be paid to Article III of the bylaws, which contains the sunset clause indicating the association has 15 years of viability remaining.

Discussion followed regarding the requirements for amending the bylaws and the CC&Rs.

The following members volunteered to form the legal review committee: Joe Spencer, Christine Brandon, Michele Stokes, and Geigy Stringer. Stringer will schedule a file review meeting with the law office.

Ramsey said member Evalyn Dearmin on Chaise Court served in a past administration and may be a resource for historical data. Spencer suggested that the entire legal file be digitized. Discussion ensued about the cost of such an endeavor.

Voting by Email

Spencer requested clarification of the rule on voting by email. He insisted on consistency in applying the rule. (He spoke in reference to an email thread begun when he solicited the legal opinion of Justin Townsend, Esq. regarding the NRS 82 versus 116 issue. Stringer directed counsel not to respond, as Spencer's email had been sent unilaterally without Spencer obtaining prior board approval. Spencer thereafter solicited an electronic board vote to allow Townsend to respond to his email. Stokes, Borda Hoffecker and Stringer responded with suggestions that a vote be postponed to the next board meeting to allow deliberation over the expenditure for legal costs. Stokes also stated that email ballots do not count.)

Spencer asserted that a precedence of electronic voting by the board had been set. Stringer responded that a vote preceded her email soliciting the legal opinion of Townsend on the use of proxies in the 2018 elections, whereas Spencer had sent his recent email to Townsend without showing it to the board first or seeking the board's prior approval to send it.

Discussion ensued toward defining when electronic voting would be allowed. It was generally agreed that if any one board member wishes to discuss a matter put up for vote, it suspends the electronic vote. However, if everyone on the board agrees to vote, electronic voting proceeds and the vote stands.

Ramsey praised the format of the postcard meeting notice recently mailed to all members, because with one expense, notice was given membership-wide of the remaining meetings in the fiscal year.

Speed Trailer on Chaparral

De La Torre said speeding continues to be a problem on Chaparral Drive. He said a member had in the past succeeded in getting a stop sign installed, but it was installed on the wrong corner of the Chaparral Dr.-Chaise Court-Chaise Drive intersection. Discussion ensued around a petition drive for a stop sign to be installed at the correct corner, the southwest corner to regulate traffic traveling east on Chaparral Drive.

It was moved without objection that a committee be formed to draft a plan of action to achieve such installation. The committee members are: Spencer, Jack Sosebee, and De La Torre.

Ramsey inquired why there were two different paint approval forms and was told that the one on carriagesquarehoa.org is the correct one. Ramsey expressed concern about the long lead time for board approval as stated on the form. Clarification was given that the rule was changed by the immediate past administration to allow the member to submit the approval request to any board member who could then obtain the approval of two other board members (for a total of three) allowing the member to proceed, if obtained. Stokes acknowledged that the version on the website may not be correct and will update it.

The next regular board meeting will be held on May 7, 2019, at 6:00 p.m. at 1707 Chaise Court.

It was moved without objection that the meeting adjourn at 7:20 p.m.

Respectfully submitted,

/s/

Geigy Stringer, Secretary

5/7/2019