

Eagle River Commercial Condominium Association

Board Meeting Minutes

December 13, 2023

A meeting of the Executive Board of Directors was held on Wednesday, December 13, 2023, at the hour of 3:00 PM via ZOOM MEETING – video conference.

Attendance: Dan Lambert - 505, Hugh Schmidt - 406, Shane Dickman – 802 Refrig, J D Werkmeister – 604 605, Johnny Cross – 407, and Steve Mock – 304, 305, 306.

Others in Attendance: Steve Coyer - 106, Pete Runyon – 204/209, Eric Boylan- 503, Gregg Kass – 606, Ted Ejnes – 504, Eric Moberg – 501, Jeremy Schaffer – 603, Cindy Hughes, Ken White -111, Austin Thomas – 107, William Shay – 115, David Zippie – CPA, Michael Walter – Managing Agent, and Kerry Wallace – Legal Counsel.

Roll Call / Quorum: With the majority of the Board Members present, a quorum was established to conduct business.

Call to Order: Dan Lambert- President called the meeting to order at 3:06 PM.

Reading of the Board Meeting Minutes of November 1, 2023: Hugh Schmidt made the motion to waive the reading of the Minutes of the November 1, 2023, Board Meeting and approve the minutes as presented. Johnny Cross seconded the motion to waive reading of the Minutes and approve the Minutes of the November 1, 2023 meeting as presented. With a vote taken the Minutes of the Board meeting held November 1, 2023, were approved with no dissenting vote cast.

Rescind Board Action Approving Special Assessment: Johnny Cross made the motion to rescind the Special Assessment approved by the Board in the November 1, 2023, Board Meeting. Hugh Schmidt seconded the motion to rescind the Board approval of the Special Assessment. With a vote taken, the Board approved the motion to rescind the Special Assessment with no dissenting votes cast.

Introduction of legal counsel - Kerry Wallace: Dan Lambert introduced Kerry Wallace of the Goodman Wallace Law Firm as the associations legal counsel.

Policy & Procedures: Kerry Wallace explained to the Board that the association was not compliant with State of Colorado Law specific to the Colorado Common Interest Ownership Act (CCIOA) in failing to adopt the nine (9) required Policies & Procedures. Kerry reviewed the nine policies with the Board after which, Hugh Schmidt made the motion to approve and adopt the nine governance policies, Dan Lambert seconded the motion to approve and adopt the nine governance policies and with a vote taken, the Board approved and adopted the nine-governance policy & procedures with no dissenting vote cast.

The Board adopted the following nine (9) governance policies and copies will be distributed to all of the members for the annual meeting and then posted along with the other governing documents on the associations website once completed after the first of the year.

- 1) Policy Regarding Association Records
- 2) Policy Regarding Enforcement of Covenants and Rules
- 3) Policy Regarding Adoption and Amendment of Policies, Rules and Regulations
- 4) Policy Regarding Investment of Reserve Funds
- 5) Policy Regarding Reserve Studies
- 6) Policy for Collection of Assessments
- 7) Policy Regarding Conflicts of Interest
- 8) Policy Regarding Alternative Dispute Resolution (ADR)
- 9) Policy Regarding Conduct of Meetings

Financials Review: Dave Zippie – CPA reviewed the financial statements for the period ending November 30, 2023. Dave reported the association was currently over budget approximately \$30,000 for this period due primarily to the increased insurance premium and this will continue into the near future due to the fire.

2023 Budget: Dave Zippie presented the 2024 budget of \$346,012 which represents an increase of \$214,771 above the 2023 budget of \$131,241. Dave explained that the increase in the operating budget was directly related to the increased cost of insurance premiums whereby the budget for coverage for the property premium in 2023 was \$13,000 the new premium was \$189,000 with added coverage for Crime & Fidelity, Umbrella, Worker Compensation, and Directors and Officers insurance.

Dan Lambert made the motion to approve the 2024 budget. Hugh Schmidt seconded the motion to approve the 2024 budget and with a vote taken the 2024 budget was approved with no dissenting votes cast.

Allocation of Expenses: Kerry Wallace informed the Board that she was in the process of reviewing the allocation of the expenses the association has incurred as a result of the fire and this allocation of common expenses may fall to less than all of the members for which a determination has not been made yet. Regarding the extraordinary increase in insurance premiums there is a possible reallocation of this expense to one owner due to the use and actions of an owner or owner's tenant. Kerry went on to state that both of these issues could very well require a reallocation of the currently adopted 2024 budget at a later date.

2023 Annual Meeting Date: The Board set the date for the annual meeting to be January 4, 2024, at 4:00 PM via ZOOM MEETING

Other Business: Kerry Wallace pointed out that all members should be notified of the annual meeting by mail unless each owner designates in writing they will accept notice via electronic means.

Dan Lambert gave a quick update on the status of completing the final stages of the fire reconstruction as it related to the heaters and electrical work in a couple of units. And was still working with Serv Pro, Native Electric, and SRD to finalize the reconstruction.

Adjournment: With no further business presented, Hugh Schmidt made the motion to adjourn the meeting. Johnny Cross seconded the motion to adjourn and with a vote taken to adjourn, the meeting was adjourned with no dissenting vote cast.

APPROVED:
