

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

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Covenant, Amendment, and Steering Committee (CASC) Meeting Minutes Thursday, March 28, 2019

In Attendance:

Dom Eymere - Association Manager
Matt Barker – Committee Member

Sue Wallace – Community Compliance Coordinator
Mark Ewing – Committee Member

Secretary: Sue Wallace

Meeting started at 5:10 pm.

Everyone shared a bit about their interest in serving on this committee. Matt moved to CBS 2 years ago, has lived previously in several neighborhoods with covenants and is adept at translating covenants and restrictions into “normal” language. He is a retired systems engineer and enjoys some of the more technical aspects of covenant-restriction assessment. Mark moved to CBS 1 year ago and has been interested in serving his community and the POA in some way and has time to give to this effort.

Dom began by reviewing the goals and mission of CASC:

Goals: to rewrite the Covenants and Restrictions of Crested Butte South subdivision for the regulation of the Property Owners Association and its Board of Directors within the next two years. CASC will be tasked with reviewing Crested Butte South's Covenants and Restrictions from August 1970, along with subsequent Amendments and Resolutions, determining the relevant information pertaining to land use requirements within the subdivision, and drafting a new set of Covenants and Restrictions for review and approval by membership.

Mission Statement: The Covenants and Restrictions serve as a unified vision for land use and development within the Crested Butte South subdivision. These documents identify the most common and approved uses for all lots within the platted subdivision. A concise set of documents provides clarity to the Board of Directors for decision-making purposes as well as the POA membership and potential owners.

Dom then shared copies of the original Covenants and Restrictions from 1970 along with the amendments, as well as a “sitemap” that will help us more easily connect each covenant with its related amendments. We discussed our work plan:

1. **To eliminate irrelevant language and replace it with current narrative.** For example, the original covenants refer to the basis, and powers of, the “Improvement Committee”, which is now known as the Board of Directors.
2. **To integrate the many amendments and appendices into the above current narrative so that each covenant is expressed in its amended version.** The numerous appendices will be eliminated from the rewritten covenants when they are later adopted, but can always be referenced in archive.

3. **To assess the legality and viability of proposing new covenants and restrictions to the membership through a ballot, or some other administrative, process that has Board of Director and membership support.** For example, there are several current issues that could be appropriate for review that did not exist in 1970: acceptable parking of recreational vehicles, regulating short-term rentals, and even possibly incorporating CB South as its own municipality.
4. **Additional items of discussion included:** How do we achieve success? Electronic voting allowed? Will a third party be needed for electronic voting? How do take advantage of proxy voting?
5. **A communications plan will be very important during the process.**

Elections and voting in CB South are bound by state statute. In order for a covenant change to pass, it must receive 50% support from all owners plus 1 vote in favor of the change.

The CASC, therefore, has its work ahead of it - in terms of completing the work plan identified above, and in creating an effective administrative process that can adequately educate enough stakeholders *and* attract enough of them to cast votes definitively in favor of, or against, a particular measure being vetted. The current method of obtaining member support for or against any such measure by paper and proxy voting does not provide an effective – both in terms of cost and administration – voting mechanism, and so this committee will also be tasked with exploring other strategies for their administrative legality and feasibility.

It was agreed by all that the next step is to obtain an opinion from legal counsel (Beth Appleton) about these questions:

1. **Must each covenant revision/addition be voted upon singly, or can the revisions be grouped together and voted upon as a whole?** The committee had lots of questions about a ballot containing multiple measures with single votes for each measure, or multiple measures being voted upon as a whole, like is done with a bill? What are the legal parameters?
2. **Is it possible to create incentives/disincentives to voting?** For example, can the chance to win a gift card to City Market be used as an incentive to vote? Can a fee be tagged onto unpaid annual dues to create a disincentive for not voting?

Once we have agreed on the questions for Beth, Dom will present them to her for an opinion prior to our next meeting, which is scheduled for Thursday, May 2 at 5 pm at the POA Office.

Meeting adjourned at 6:30 pm.