

**HIDDEN VALLEY VILLAGE OWNERS
ASSOCIATION
Board of Directors Meeting**

MINUTES

Date of Meeting: September 19, 2023

Time: 6:00 pm - 7:30 pm

Location: Hidden Valley Manager's Office via zoom

Link <https://us06web.zoom.us/j/89048964813?pwd=KytmRW92MEwrWVFPNjhod2EzLy9pdz09>
ID: 890 4896 4813

Passcode:361775

Hidden Valley Office: 760-934-7303

Email: manager@hiddenvalleymammoth.com

A. General

1. Call to order by President: Meeting was called to order at 6:07pm
2. Roll call. Record Board Members, Management, owners, and guests present
 - a. Board Members Present: Debra Martin, Jim Murphy, Ruth Wheeler, Tricia Gomez, Brian Johnson, Niki Yoblonski
 - b. Board Members Absent: Nick Roberts
 - c. Management: Present
 - d. Homeowners: Rebecca Degioanni representing #3 & 7; Kinoka Ogsbury #6 &120; Jeannie Rogers #127
3. Announcements/Orders of the day/Items discussed in Executive Sessions
 - a. Jim shared that in a closed executive session of the Board, the Board discussed issues regarding a dispute with the current contractor and efforts to engage a different contractor to finish up the roofs before the rainy/snow season.
 - b. **MOTION:** Jim moved to appoint Steve Latshaw as inspector of Elections for the upcoming annual meeting. Brian seconded and all were in favor.
4. Any items pulled from the consent agenda to be heard special, changes to order of agenda and recusals.
5. Homeowner Forum: 15 minutes (Comments on Agenda or Non-Agenda Items)
****Homeowners are also encouraged to submit comments and suggestions to the board via email at bod@hiddenvalleymammoth.com*

B. Consent Agenda Items

1. Approval of minutes from July 31, 2023
2. Ratification of Treasurers Review for June and July 2023

3. Ratification of Architectural Committee approvals of work order requests
4. Report and Ratification of actions from Rule Enforcement Committee
5. Management report - informational item
6. Treasurer's Report - informational item
7. Window Rule 5.6 - informational item
8. Davis Stirling regulations and procedure for adopting or amending Rules.- informational item

C. Agenda Items

Agenda Item 1: Discussion of rule 5.6 Unit Window and Sliding Glass Door Replacement. Copy of rule in informational items in consent agenda for easy reference. Copy of Davis Stirling requirements for adopting or changing rules in consent agenda for easy reference.

Tricia requested that we come to a definitive decision on what constitutes like for like. She shared that the sliding window in the kitchen slides horizontally is hard to find so can we consider vertical sliding as "like for like." The Board agreed that this can be considered like for like for the kitchen windows. A couple of the board members will also review the existing window/doors rule/guidelines to update them to be more in keeping with the current industry and technology trends.

Agenda Item 2: Storm repairs and insurance claim update and possible action.

Ruth shared that we have been having difficulty finding someone to repair the one insurance claim window. She shared that they found a contractor outside of Mammoth willing to come up but the cost is significantly higher than the State Farm allowance. The board clarified that any incremental cost is the responsibility of the homeowner and they may file with their personal insurance. Karen and Tricia will be tracking this stuff and communicating with the homeowner.

Management shared that A+ roofing indicated via email today that they will do time and materials for the roofing repairs. Management will forward to the board for review. Management also shared that the interior repairs on units that had water damage is moving along. Once these are completed, they will move on to cosmetic work.

Agenda Item 3: Warnings and Fines Approach

The board discussed the current process. Debra will review the warning letter to propose minor changes, including language that indicates they may request a hearing with the board to request it be rescinded by providing a justification of what was done to remedy the situation.

Agenda Item 4: Acceptance of 2024 Draft Budget to be sent to Accountant Cindy Butner for final inspection and preparation for the Annual meeting. See consent agenda for Treasurer's Report. The proposed Draft Budget is posted on the hiddenvalleymammoth.com website.

MOTION: Ruth moved to accept the draft budget and send to Butners for finalization and preparation for the annual meeting. Debra seconded. All were in favor.

Agenda Item 5: Discussion and possible action for owners in arrears with dues/special assessment/fines

Ruth shared that we have 6 units out of 84 that are in arrears on the special assessment after the first payment deadline. The Board agreed that the Treasurer will send reminders and other correspondence consistent with the guidelines the Board previously approved, which should be in a prior meeting minutes.

Agenda Item 6: Discussion and possible action on Contingency Fund.

Ruth shared that Butner indicated that the interest earned on our invested funds may be put into the contingency fund to help rebuild the contingency fund. Any future excess may also be moved to operations or reserves as needed.

MOTION: Ruth moved that we utilize the interest earned on the T-Bills by placing it in the contingency fund, the use of which will be evaluated annually. Jim seconded and all were in favor.

Agenda Item 7: Ratification of HV Funds in T-Bills

MOTION: Ruth moved to ratify the investment in T-Bills in the amount of \$200,000 from the reserve fund. Brian seconded and all were in favor.

4. Announcements: Future Meeting Dates:

November 18, 2022 9:00 AM: Regular Board meeting in the HVV common area room

Annual Meeting November 18, 2022, 2:00 PM: Mammoth Public Library Conference Room

5. Adjournment The meeting adjourned at 7:37 p.m.

**HIDDEN VALLEY VILLAGE OWNERS
ASSOCIATION
Board of Directors Meeting**

CONSENT AGENDA

****Board Ratification/Approval Items:**

- . ** Approval of minutes from July 31, 2023
- B.** **Ratification of Treasurers Review for June and July, 2023
- C.** **Ratification of Architectural Committee approvals of work order requests
- D.** **Report and Ratification of actions from Rule Enforcement Committee
- E.** Reports and Informational Items:
 - 1. Management report - informational item
 - 2. Treasurer's Report for Sept 19, 2023 Board Meeting
 - 3. Window Rule 5.6
 - 4. Davis Stirling regulations and procedure for adopting or amending Rules

A. Approval of Minutes from July 31 Meeting

Minutes are posted on the HiddenValleyMammoth.com website

B. Ratification of Treasurers Review and Report for June and July, 2023

Treasurer's review is posted on the HiddenValleyMammoth.com website

C. Ratification of Architectural Committee approvals of work order requests

Motion 1 of 2: Work Request Approval to Start Project

The Architecture Committee motions that the following new work requests to commence work be ratified by the board. All work requests were approved by the Architectural Committee and the board between meetings. Owners were told they may begin their projects at their convenience. Projects must abide by Hidden Valley rules and Town of Mammoth Lakes building requirements.

Unit 3, new floors

Unit 41, water damage repair: floor replacement, replacement electric fireplace, paint & patching

Unit 42, fireplace remodel & shower remodel

Unit 43, water damage repair: floor replacement, replacement electric fireplace, paint & patching

Unit 127, new windows, electrical outlets, kitchen upgrades

Unit 131, drywall & painting

Unit 136, drywall & painting

Motion 2 of 2: Work Completion Recognition & Recording

The Architecture Committee motions that the following completed work requests be recorded & ratified by the board as completed. All completed projects were approved by the board prior to starting; installation has been approved by management and copies of permits, if required, have been received.

Unit 4, wood burning stove retrofit (permit received)

Unit 18, new wall heater (permit received)

Unit 19, new flooring (underlayment approved)

Unit 115, wood burning stove retrofit (permit received)

D. Report and Ratification of actions from Rule Enforcement Committee

Log of Rule Enforcement Actions: -Unit numbers can be cross referenced in the Executive Session Minutes

-Unit A:

*7/29/22-8/1/22. Violation-Excessive Occupancy, Excessive Vehicles, Incomplete notice of Occupancy

*7/30/22. Email sent by management requesting occupancy information. Email was not answered by the unit owner or property rental manager.

*8/15/22. Notice of Hearing for violation Sent to Unit Owner

*9/27/22. Hearing held in Exec session. Owner did not attend the hearing, but emailed information **Date:** September 27, 2022 at 9:21:09 PM EDT, (after the regular Board Meeting started). The Letter stated that the unit was occupied and abused by excessive tenants, but requested leniency. Board noted that the on line advertising for the unit is for 8 people, not 6 as allowed in CC&R. \$250 first offense fine issued for multiple violations of excessive occupancy, excessive Parking vehicles and failure to communicate accurate occupancy information to management.

*9/27/22. Notice of \$250 Fine Sent to Butner HOA to be archived and sent to the owner.

*2/3/23. Email Reminder titled Hidden Valley Past Due amount of \$250 sent to unit owner by HVV Treasurer.

*2/16/2023. Notice of Hearing to Suspend Common area Use for 30 days due to delinquent payment of fine

*3/21/23. Hearing held in executive session - Owner no show, Board action was to restrict common area use for 30 days from April 1-30/

*3/23/23 Notice of suspension of common area use sent to Butners for notification to the owner. Suspension of common area use will be revoked as soon as payment is received.

*4/28/2023 March monthly financial statement from Butner HOA services indicated that the fine has been paid.

*Issue resolved.

*5/3/2023-Drywall and Fireplace retrofit work begun without Notification via HOA Work Permit form-Owner Contacted by Board member and immediately filled out paperwork.

-Unit B:

*10/14/22-10/16/22. Second offense Violation of Pet in STR No notification forms submitted prior to arrival. Owner contacted by management. Pet owner did not submit form.

*11/12/22-Due process Hearing number 1 - Owner did not attend hearing

*1/4/22-Notice of second Hearing sent

*1/17/22-Due process Hearing number 2 - Owner did not attend hearing

*1/23/22-Notice of \$500 fine with 30 Suspension of common area to follow if the fine is not paid within 30 days of the billing notice. Note: Suspension of Common area use to be instituted only if fine is not paid within 30 days of billing statement

*May billing statement will have the \$500 charge included for the unit monthly statement. Common area use will be suspended if the \$500 is not paid by June 15.
* Draft of Notice of suspension Letter ratified at May Meeting in case the fine is not paid by June 15.
*5/23/23-Courtesy email reminder to pay the \$500 fine sent by President, Jim Murphy
*6/23/23-Notice of Suspension Sent to Butners for delivery to tenant.
*8/7/23-Unit occupied without notification to managers during Bluesapalooza Festival-
*8/12/23-Notice of Hearing for \$250 fine for failure to notify management of occupancy. Sent to Butner's to be forwarded to owner.
8/14/2023—Notice of hearing sent to Butner's to be forwarded to owner

Unit C: Previous violation Resolved (listed on March minutes)

*5/3/2023-Drywall and Fireplace retrofit work begun without Notification via HOA Work Permit form-Owner Contacted by Board member and immediately filled out paperwork. Issue Resolved.

-Unit D:

*3/4/23-3/12/23-Violation of pet in STR
*3/23/23-First Offense Warning letter sent to Butners for delivery to unit owner

-Unit E:

*2/26/23-3/12/23- Multiple Violations of failure to report occupancy after repeated reminders by management. (documented reminders via email sent on 2/19/23 and 3/28)

*3/21/2023-Warning letter sent to Butners for delivery to unit owner

*3/31/2023 - Owner replied with a brief email stating that management was notified of occupancy. Jim will compose an email from the board to the owner to outline the issues property management is having with: no details on different people arriving/departing on specific dates,no contact info for different renters as required in CC&R and operating rules.

*4/15-17/2023-Several emails sent by Jim Murphy clarifying the correct method of notification of occupancy. Replies from owner indicating dislike of rule.

*4/22/2023 - Management received a text at 11:39PM. The text from the owner was ambiguous and combative regarding occupancy. Ruth Wheeler sent an email to the owner with a template that can be used for future notifications for occupancy. The owner was warned that late night texts to management were for emergencies only, Non-emergency late night texts constitute a nuisance (emails requesting that the owner comply with the rules were copied to entire Board and Management)

*7/2/23 – Owner again submitted running dates for occupancy via text-incomplete data omitted arrival and departure dates, name and contact of occupants.

*7/3/23 – Management emailed owner with request fir correct information, owner replied with combative email.

*7/5/23 – Management requested a sit down meeting with owner, management and Board members on property

*7/7/23 – Meeting held, Owner expressed frustration at past situations of unit being used without her knowledge. This happened over 30 years ago, Board member R. Wheeler had the same problem, she assured owner that the new governing documents provided rules to protect owners from unauthorized use of their condo. She shared an example of a notification email to management to show how simple the process is. Management gave several examples of how they assist all guests including guest of unit E. President Jim Murphy assured owner that the board enforces the rules consistently for all owners and requested that Mary follow the rules. Owner had questions about dog in str rule and management provided owner with forms and access to the website information. Management reiterated that the form is to be signed by the unit owner and guest and submitted prior to the arrival of the guest.

*7/9/23 - Email addressed to Jim Murphy from unit owner which indicated that the owner felt she was being treated unfairly and that she did not want to provide accurate notice of occupancy. President Jim Murphy responded with a short email stating that we heard the owners grievances and explained that the current board and management can't fix items that happened years ago. He reiterated "Please follow the current rules so that the future will avoid the types of issues you have experienced in the past.

*8/2/23 – Nuisance complaint filed by adjacent owner – Barking dog left unattended in unit. Confirmed by management. Email sent by management to notify owner of problem. Paperwork for pet was received prior to guest on property. Owners of pet not in compliance with ADA regulations regarding service animal left unattended in rental unit.

*8/3/23 – Notice of hearing for \$250 fine for nuisance to be held at Sept Board meeting sent to Butner's to be emailed and snail mailed to owner

-Unit F:

*3/18-3/19/23 - Dog in STR unit. Forms not submitted prior to guest and dog in unit. Late form not signed by dog owner. Data regarding support animal dated 2018 and did not have the name of the dog owner.

*3/23/23 Warning sent to Butner's for delivery to owner

*3/29/23 Owner replied that he did not acknowledge the letter as he did not feel he was in violation of the rule

4/10/23 Email Letter composed and reviewed by the board was sent to the owner. With an offer to list the item on the Exec. Agenda for the May meeting. Owner replied to the email stating that the last minute booking by the guest justified the errors with the Service/Support dog paperwork.

-Unit G:

*3/18/23 Three Labrador Retrievers off leash with short term occupant of unit.- Management filed report and notified the owner. Owner stated that pets were not allowed in her unit and she would communicate with family members who use her condo to correct the problem. Clarification of pet rules were sent to all owners on April 3, 2023

*4/15/23 Nuisance and pet in unit complaint filed on behalf of neighboring owner by management. Nephew of owner was intoxicated disrupted tenants in adjacent unit, vomited and defecated on common area decks. A dog was in the unit at the time of the violation.

*4/17/23 Notice of hearing sent to Butners and email with the notice sent to owner by Treasurer to inform owner of \$750 fine (\$500 for second offense of pet in unit and \$250 for first offense nuisance)

*5/11/23 Owner submitted letter to the board accepting responsibility and paid fine. Issue resolved.

-Unit H:

*5/3/2023-Drywall and Fireplace retrofit work begun without Notification via HOA Work Permit form-Owner failed to respond to phone calls, texts, and emails by both Management and Board member - On Agenda for board discussion/Action. Tenant in adjacent unit complained of nuisance noise.

*5/16/23-Board discussed and voted unanimously to fine the owner \$250 for combined offense of first offense nuisance and failure to submit work request form.

*5/21/23 – Notice of hearing for proposed fine emailed to Butner to be sent to owner

7/3/23 – Tenants in unit without notice of occupancy

7/5/23 – Notice of hearing for \$250 proposed fine for failure to notify management of occupancy emailed to Butners to be sent to owner along with Previous notice of proposed fine for nuisance with updated zoom meeting information.

7/13/23 – Ratification of hearing notices in open meeting.

7/18/2023 – Owner did not show up to hearing. Fine of \$250 levied for nuisance, and failure to notify management of occupancy

7/20/2023 – Notice of fine sent to Butners to email and snail mail to owner

8/7/2023 – Management noted that unit was occupied without notice during Bluesapalooza Festival and reported to the board

8/12/2023 – Notice of hearing for \$500 second offense fine for failure to notify management of occupancy drafted and sent to Board for review.

8/14/2023—Notice of hearing sent to Butner's to be forwarded to owner

Unit I:

*5/3/2023-Drywall and Fireplace retrofit work begun without Notification via HOA Work Permit form-Owner failed to respond to phone calls, texts, and emails by both Management and Board member - On Agenda for board discussion/Action

*5/16/23-Board discussed and voted unanimously to warn the owner for failure to submit work request form

5/21/23 – Warning notice emailed to Butner to be sent to owners.

7/3/23 – Complaints of nuisance noise at 11:45PM. Management was not informed of occupancy.

7/5/23 – Notice of hearing for proposed fines of \$250-first offense nuisance and \$250 first offense failure to notify of management. Total fine of \$500.

7/13/23 – Ratification of hearing notices in open meeting.

7/18/2023 – Owner did not show up to hearing. Fine of \$500 levied (\$250 for nuisance, and \$250 for failure to notify manager of occupancy.)

7/20/2021 – Notice of fine sent to Butners to email and snail mail to owner

7/28/23-7/30/23 – Unit was again occupied without notification of occupancy.

Management found that unit had been used during routine security check. Management notified owner of occupancy via email

8/3/23 –Notice of Hearing at Sept. meeting for \$500 fine for second offense drafted and sent to Butners to be emailed and snail mailed to owners. Treasurer was able to contact second owner via phone to give him information regarding the failure to notify management of occupancy problem and fines. The secondary owner stated that the primary owner was out of the country and he would contact him to let him know about the payments due and problems with failure to notify management.

8/8/23 – Treasurer forwarded emailed to the secondary owner. The email was sent to all owners reminding them of the Aug 15 due date for the first installment of the Emergency special assessment. The secondary owner promptly replied that he had informed primary owner of payments due and directed HV to send all information to primary owner.

Unit J:

*7/3/23 – Tenant pet in the pool area. Management not notified of occupancy. No pet form submitted. Owner of pet identified the unit they were staying in and provided documentation of service animal. Management notified owner of failure to follow policy.

*7/5/23 – Two separate notices sent to owner: Notice of hearing for \$250 fine for failure to inform management of occupancy and Warning notice for pet violation

7/13/23 – Ratification of hearing and warning notices in open meeting.

7/18/2023 – Owner showed up to hearing. Fine of \$250 levied for failure to notify manager of occupancy. Owner discussed difficulties of monitoring pets in units and

stated that failure to notify was an occasional oversight. Board clarified that rules regarding pets in units were supported by ADA regulations and CA law and shared that an adjacent owner complained of pet noise nuisance. Board also confirmed that failure to notify of occupancy was a consistent and documented problem

7/20/2023 – Notice of fine sent to Butners to email and snail mail to owner

8/22/2023 - Two Husky Dogs in STR unit - Form received by management, but did not indicate multiple pets.

Unit K:

*8/5/23 – Noise complaint by adjacent unit

*8/12/23 – Warning notice sent to Board for Review-Warning not sent-first offense and management notified owner of rule violation and action taken.

Unit L

*8/5/23- Complaint of guests camping in the parking lot and running a generator at night.

*8/12/23 – Warning notice sent to Board for Review-Warning not sent-first offense and management notified owner of rule violation and action taken.

. Reports and Informational Items:

1. Management Report

HIDDEN VALLEY MANAGER REPORT

AUGUST 2023 & AS OF SEPTEMBER 14, 2023

POOL / SPA UPDATE:

-Made it through the summer without mechanical or aesthetic issues with both spas and the swimming pool.

-Swimming Pool cover scheduled for Monday, September 18th . Will be deep cleaned and lower temperature for the fall & winter season.

-Due to the high cost of pool chemicals and lack of supplies available in Mammoth, management was able to order all online, and had delivered at considerable savings. Ordered enough of some products to get us through several months. The only issue was finding delivery, but FedEx did the job.

BUILDINGS & HIDDEN VALLEY PROPERTY:

-Found a broken hose bib @ Bldg. "H". Howard @ A Reliable Plumber" was able to access under the building and made all necessary repairs.

-Management, Curt & Jared have been very busy making repairs on property. Balconies, walkways, landings, electrical panel box, propane tank fencing repairs that construction contractor currently is not under contract with Hidden Valley.

-New Front Doors – due to extreme repair work throughout the Mammoth area we have not been able to order doors and have installed this year. Management have walked the complex, made inspections and we will re-address next spring & summer 2024.

-Annual chimney, fireplace sweeping, cleaning & maintenance was performed at each building on property by Alpine Stove & Fireplace.

-Alpine Stove & Fireplace will coordinate and schedule the more extensive pellet stove servicing sometime in September or October. Management will stay in contact with homeowners who have asked for the service.

-Elevated Structural Inspection, Forrest Cross, Engineer was back on property in August. Drilled holes and scoped with a camera inspecting areas of concern throughout the complex. We did not receive his final inspection report although Forrest did state that he felt we were in good shape. We expect the report to arrive before the end of the year.

-Management continues to inspect the exterior of buildings, tightening staircase steps, touch up paint, maintenance where necessary. Still have two entry front doors to paint before the weather changes.

-Landscape clean-up throughout the complex continues to this day. Broken limbs that were damaged or broken during the heavy winter snows continue to fall during periods of high winds. Curt & Jared have used the chain saw to cut up many larger limbs.

PEST CONTROL:

-Critters are still active on property! Again, another unit experienced a hole caused by rodents. We've had to contact Owens Valley Pest Control on several occasions over the past month or so due to homeowners' diligence with contacting management when hearing movement and noises in walls.

Owens Valley Pest Control when notified act immediately. We've been very pleased with the service they are providing.

WINTER DAMAGE REPAIRS:

-Contractors continue with ongoing repairs to the exterior of buildings and interior of damaged units.

Management continues to work with them day to day with scheduling and updating homeowners on all repairs. So far, the interior work scheduling with nightly rentals is running smoothly.

Management continues to report damage to State Farm Insurance documenting with dates, photos, and thorough documentation.

-Hidden Valley HOA Board of Directors have and continue to work with management holding numerous meetings and constant open lines of communication. We expect to have the complex buttoned up for the coming winter and will continue to address repairs into the next summer season.

COMPLEX TRUCK:

-Winter servicing scheduling for oil change, inspection, filter change. Ignition switch ordered.

FALL TO DUE LIST PRIOR TO WINTER BY MANAGEMENT:

-Remove all railroad ties from parking lot and place in winter storage.

-Remove all landscape hoses, sprinklers & timers, drain water & place in winter storage.

-Winterize all flowers and plants at the office and areas of the complex.

-Install snow stakes throughout the complex – approximately 65 stakes.

-Replace plywood on all lower balconies where necessary.

-Management will service all snowblowers, oil & filter change, check all fluids.

-Winterize the fish cleaning sink located behind the lower common area.

-Inspect landings and contact homeowners to remove all patio furniture and place in their winter storage area.

-Tool inventory.

-Snowmelt was ordered through Western Nevada Supply. The pallet was delivered (49/bags, 50/pound each). Management unloaded & placed in lower storage/shop area.

-Inspect snowplow – scheduled to have wiring installed locally in Mammoth.

-Winterize pool area pump room.

-BBQs, pool furniture and common area furniture at bottom of the complex removed and placed in storage.

-Annual maintenance of pool filter and spa filters performed by management.

-Wood decking, fence & seating will be pressure washed and sealed for the winter.

2. Treasurer's Report

Treasurer's Report September 14, 2023.

As of September 14, 2023 I have data from the July Financial Statement. I will email the August Financial Statement treasurer's review to the Board and have it posted to the website as soon as I get it which is usually around the twentieth of the month.

Starting with a bit of good news. Board member Nick Roberts has assisted in investing some of our funds in T-bills which are paying about 5% this year. This has created significant anticipated earnings of about \$12,500 for 2023 and \$19,500 for 2024.

The July review shows significant Operating Budget projected overage expenses for the following line items: Truck Expenses, Electricity, and Propane. These are all related to fuel cost increases. We are also over Budget for Trash Removal and Water & Sewer. The projections for these items have come down a little since the June statement, but we can still expect line-item overages in all of these categories. The Treasurer's Review for each month can be found on the hiddenvalleymammoth.com website.

It is well known that we are over budget for snow removal expenses. This overage will be covered by the Special assessment funds to be collected in August, September, and October.

We have one owner in arrears for one month's dues, but I do not have the data for owners who have not paid their Emergency Special Assessment. I will present information regarding the special assessment collection at the Board meeting. Butner's HOA services has indicated that they will get this information to me by September 18. The Board will follow the collection policies as stated in the annual statement to ensure that all owners are current with their financial obligations to the HOA.

Our Contingency Fund has been depleted due to the snow removal costs for the winter of 2023. This requires very conservative calculations for the 2024 Budget. The Budget for 2024 has been drafted and evaluated by Management and Board members Debra Martin and Nick Roberts, and accountant Cindy Butner. Dues increase of about \$60/month (varies by unit size) is anticipated primarily due to increased utility costs and the depleted contingency fund. The Board will discuss the proposed Draft Budget and then send it on to the accountant for final evaluation and preparation for the November Annual Meeting.

I expect all homeowners to be concerned about the potential dues increase. Every year we should increase our collections for the Reserve funds by 3%. This equates to a yearly increase for reserve funding of about \$5.00/month on average. In addition to this increase, we need to calculate exactly how much we will need to spend on yearly Operating expenses. Operating expenses are separated into 3 categories: Administrative Expenses, Maintenance and Supplies, and Utilities. You can check out all the line items for these categories on the Treasurer's Reviews posted on the website. Dues collected for the operating fund should attempt to reasonably estimate expenses considering the normal cost of living increases and potential building maintenance requirements as well as snow removal costs. With a healthy Contingency Fund, budgeting for the operating fund can be estimated on the lower end. However, without a large contingency fund, each line item must be estimated on the higher end providing a little padding in case of overage. If there is a surplus at the end of the year, it can be put into the Contingency Fund. If there is a deficit in the operating fund spending it can be pulled from the Contingency Fund. Healthy funding for HOA Operating Funds suggests that the Association always keep at least 3 months of dues collections as a balance in their funds. Hidden Valley follows this rule. We will endeavor to rebuild our contingency over time to avoid even higher increases in dues.

Some historical information regarding dues increases over the last several years may be helpful for you to understand where we are with dues at this time. In 2021 we decreased dues for the average sized units by \$13/month. We have held dues steady without an increase in 2022 and 2023.

We were able to avoid an increase in dues for those years due to higher prior year increases and careful spending and budgeting.

To get a clear picture of this I'll give you data going back to 2016:

2017-dues increase = +\$10

2018-dues increase = 0

2019-dues increase = +\$20

2020-dues increase = +\$45

2021-dues decrease = -\$13

2022-dues increase = 0

2023-dues increase = 0

You can see that in 2019 and 2020 we had unusually high increases. A careful review of the budget and actual expenses was performed to estimate annual costs more closely. We also had some years with less demand for snow removal. Additionally, insurance claim money and some litigation funds were added to the operating and Contingency funds.

In 2022 we had a Contingency fund of \$90,000. We used \$30,000 of this to transfer to the Reserve fund to minimize the impact of Reserve fund collection increases and attempted to put together a zero-balance Operating Fund Budget for 2023. We turned it in to the accountant who recommended increases in utilities, so we increased utilities by an additional 5%. Despite this careful planning, we still have a predicted overage in utility costs for 2023 due to price and utilization increases. And we all know what happened with snow removal costs for 2023 in this unprecedented snowfall year.

As a result, we have increased the snow removal budget for 2024 because the loader costs have gone up by \$50/hour for 2024. Hopefully this winter will not be as bad as 2023. We have also increased all our line items for utilities as well as the line items for the Truck due to increased fuel costs.

We hoped to only increase our dues by a normal \$10-\$15 this year but that was not possible. Please look at the proposed 2024 Budget so that you can see why the dues increase for 2024 is necessary.

All owners and Board members should always expect to have clear documentation of how your money is spent and the reasons for the amount of money collected for your monthly dues.

I welcome any questions or suggestions that you have regarding the proposed 2024 Budget.

Ruth E Wheeler

Hidden Valley HOA Treasurer.

3. Window Rule

1. Operating Rule 5.6 - Window and Sliding Glass Door Replacement

For purposes of this operating rule the following policy shall apply:

1. Notification: Homeowners must always notify onsite management prior to changing a unit window or glass door. A Work Request form must be filled out and submitted to management.
2. Color: The only window and screen color allowed at Hidden Valley is brown (usually referred to as bronze, or dark bronze by manufacturers)
3. Style:
 - a. Windows and glass doors must be metal or vinyl construction (wood windows are not allowed)

b. The style of the window and sliding glass doors must be like for like when replacing windows with the following single exception:

c. The fixed window in any unit which is located in the same wall as the entry door (usually referred to as the "dining area window") may be replaced with a single, side hinge, crank operated opening, casement style window.

d. All windows and sliding glass doors at Hidden Valley must be double pane glass and be a "single light" window. (Window panes are not allowed)

4. Unit Owner Responsibilities:

a. Notification must be given to onsite management and then relayed to the HVV Board of Directors of the style of window and number of windows and sliding glass doors being replaced in the unit.

b. Demolition and trash removal is the sole responsibility of the unit owner/window vendor installer. Common area dumpsters are not to be used for the removal of construction debris or waste.

c. Construction materials, tools, demolished items, new windows etc. may not be left out on the common area decks in the evening hours between 5:00 PM-8:00 AM. The common areas near the work site must be cleaned up daily.

5. Management Duties:

a. Management must forward a copy of the "request for work/repair/remediation" form to all board members, the unit owner, and keep a copy in the Hidden Valley Management office within one week of receiving the form.

b. Management is to inform the board via email if there is a concern that homeowners are exceeding the scope of the work listed on the request for work form or if the construction is creating a nuisance or interfering with the right to quiet enjoyment of nearby units.

c. Management is to assist the unit owner and contractors/laborers with reasonable requests for assistance in terms of job site parking, delivery and removal of unit owner's waste containers (at unit owner's expense).

6. Board Duties:

a. With management recommendations, the Board is to approve the "request for work" form in as soon as practicable not to exceed 3 weeks of receiving from management the request by the unit owner.

- b. The board is to support management with warnings and fines if the construction is creating a nuisance. Causing undue disruption of the right to quiet enjoyment by neighbors or any other violation of Hidden Valley Rules.
- c. The board is to support the unit owner by completing all required paperwork for the project in a timely manner, as soon as practicable not to exceed 3 weeks.
- d. Special Considerations: Buildings A, B, C, D, E, and F were originally built with metal windows that were silver color. Windows and glass doors replaced in these buildings should still conform to the "brown" color standard established in this policy.
7. Town Code Compliance: All modifications, both standard and non-standard, must meet local and state building codes. Permits must be obtained as required by Town Building Codes and must be presented to onsite management prior to beginning work. All construction must be compliant with all town codes and inspections.
8. Hours of Construction Work: All work within units must be done between the hours of 7:00 AM and 8:00 PM. Monday-Saturday, 9:00 AM to 5:00 PM on Sundays
9. Financial Responsibility: The cost and responsibility of maintenance or replacement of unit windows and sliding glass doors is at the unit owner's sole expense.

5. Davis Stirling regulations and procedure for adopting or amending Rules

ADOPTING & AMENDING HOA RULES

Rulemaking Authority. Before enacting rules and regulations, associations must have [rulemaking authority](#) either statutorily or through its governing documents.

Procedure. Following is a summary of the procedure used for adopting new rules or amending existing rules:

- Board prepares rules and legal counsel reviews them (or the attorney prepares rules).
- Board reviews, approves, and gives general notice (we recommend mailing) to members. Notice should include purpose and effect, text of rules, and set a deadline for written comments at least 28 days later. Notice should also set an open meeting at least 28 days later.
- At open meetings, allow more comments at open forums. Consider all comments. Vote to approve or not.
- Give notice of approval within 15 days.

"**Operating Rules**" are broadly defined as any rule or regulation that applies to the management and operation of a [common interest development](#) or the conduct of its business and affairs. ([Civ. Code §](#)

4340.) As provided for in [Civil Code § 4355\(a\)](#), "Operating Rules" are specifically defined as a rule or regulation that applies to:

1. Use of the common area or of an [exclusive use common area](#).
2. Use of a separate interest, including any aesthetic or [architectural standards](#) that govern the alteration of a separate interest.
3. Member discipline, including any schedule of [monetary penalties](#) for violation of the governing documents and any procedure for the imposition of penalties.
4. Delinquent assessment [payment plans](#).
5. Resolution of [assessment disputes](#).
6. [Reviewing](#) and approving or disapproving a proposed physical change to a member's separate interest or to the common area.
7. [Election rules](#). (No amendments are allowed within 90 days of an election.)

Exceptions. Per [Civil Code § 4355\(b\)](#), the following do not fall under the definition of an "Operating Rule" and are free of the requirements of Civil Code sections [4360](#) and [4365](#):

1. A decision regarding maintenance of the common area.
2. A decision on a specific matter that is not intended to apply generally.
3. A decision setting the amount of a regular or special assessment.
4. A rule change that is required by law, if the board has no discretion as to the substantive effect of the rule change.
5. Issuance of a document that merely repeats existing law or the governing documents.

Notice of Proposed Change. Before adopting or amending an Operating Rule or changing the [fine schedule](#), the board must provide notice of a proposed rule change at least 28 days before making the rule change. ([Civ. Code § 4360\(a\)](#).)

- *Text of Change.* The notice must include the text of the proposed rule change and a description of its purpose and effect.
- *Emergency.* Notice is not required if the board determines that an immediate rule change is necessary to address an imminent threat to public health or safety or an imminent risk of substantial economic loss to the association.

See the additional 90-day restriction for [Election Rules](#).

Comments by Members. A decision on a proposed rule change must be made at a board meeting, after consideration of any comments made by association members. ([Civ. Code § 4360\(b\)](#).) The board must consider comments by members but is not required to adopt them.

Notice of Adoption. Within 15 days of making the rule change, the board must deliver general notice pursuant to [Section 4045](#) of the rule change. ([Civ. Code § 4360\(c\)](#).)

Membership Veto. The membership has a [limited right](#) to veto new rules and rule changes.

Emergency Rule Change. If the board determines an immediate rule change is required to address an imminent threat to public health or safety, or an imminent risk of substantial economic loss to the association, it can make an emergency rule change without a 28-day waiting period. Once adopted emergency rules take effect upon notice to the membership. An emergency rule change is effective for up to 120 days. ([Civ. Code § 4360\(d\)](#).)

Nonsubstantive Changes. If the board is doing nothing more than correcting grammar or renumbering provisions, the 28-day notice period is not triggered since the rules are not being changed. Even so, the board must distribute a copy of the clean set along with an explanation of what was done and that no changes were made to the rules.

Enforceable. To be enforceable, operating rules must meet [certain criteria](#).

