

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

**MINUTES**

**Date of Meeting: July 18, 2023**

**Time: 6:00 pm - 7:30 pm**

**Location: Hidden Valley Manager's Office via zoom**

Join Meeting ID: 851 6691 3355

<https://us06web.zoom.us/j/85166913355?pwd=ZGx5dWpoSDIhMXhwZ2xYMIFDUzBFdz09>

Passcode: 153380

Hidden Valley Office: 760-934-7303

Email: [manager@hiddenvalleymammoth.com](mailto:manager@hiddenvalleymammoth.com)

**1. General**

1. Call to order by President: Jim Murphy called the meeting to order at 6:06 pm
2. Roll call. Record Board Members, Management, owners, and guests present  
**Board members present:** Jim Murphy, Debra Martin, Ruth Wheeler, Tricia Gomez, Nikki Yoblonski, Nick Roberts  
**Board members absent:** Brian Johnson  
**Management:** present  
**Homeowners:** Karen Shorr #8, Matt McDonald #102, Jeannie Rogers #127,
3. Announcements/Orders of the day/Items discussed in Executive Sessions  
None
4. Any items pulled from consent agenda to be heard special, changes to order of agenda and recusals.
  1. Item 2.C. below – work request for unit 38 was pulled from consent to be discussed as part of regular Agenda 3 item 1, which was inadvertently included on consent agenda. The remaining work requests remain on consent.
  2. Item B Treasurer's report
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](mailto:bod@hiddenvalleymammoth.com)*
  - Karen Shorr referenced the email she previously sent to the Board.
  - Matt shared that he has hired Forest to do structural work on removal of post and was interested to see if anything helpful being discussed on prior people learning. Also wanted to hear about insurance report.
  - Tricia provided an update on status of trying to coordinate interior repairs. Shared that contractor is also out of town for the next week. When he is back next week Tricia and Management will sit down with the rental schedules and contractor to see how best to

coordinate work. She shared how repairs will be prioritized, starting with those with water damage. Tricia shared that unit 102 is on our list but we haven't heard back from State Farm whether there will be any coverage.

## 2. Consent Agenda Items

- A. Approval of minutes from July 13, 2023
- B. Ratification of Treasurers Review for May 31, 2023
- C. Ratification of Architectural Committee appeals of work order requests {excluding #38 that was pulled for discussion only related to the the window and structural parts}
- D. Report and Ratification of actions from Rule Enforcement Committee
- E. Management report - informational item
- F. Report on Reserve fund spending and options for major capital improvements.
  - 1. *Note this item was not included on the consent agenda as an informational item.*
- G. Report on Hidden Valley Village HOA collection policies
- H. Operating Rule 5.6 -Window and Sliding Glass Door Replacement
- I. Davis Stirling Recommendation on Granting Variances and Waivers

**MOTION:** Jim moved to accept the approval of the consent agenda subject to the items that have been pulled for discussion. Debra seconded and all board members present were in favor.

## 3. Agenda Items

**Agenda Item 1:** Request for architectural waiver of rule 5.6 Unit Window and Sliding Glass Door Replacement by a unit owner. Post removal engineering specs for the same unit.

- Niki shared that the owners of unit 38 asked her to speak for them regarding their request for waiver related to the window. She shared the owners want to install single hung windows instead of fixed or casement. They indicated that for rentals they prefer the simplicity of use of single hung as opposed to casement (open out).
- Niki shared that the wind damage issue related to casement windows could be an issue based on her experience and by speaking with a window installer in Mammoth, who indicated wind damage is common. Niki shared that she has a casement window in her unit and hadn't thought of wind issues but her calls provided some validation of the concern.
- Owner also requested that if he did a casement that the Board would promise that the HOA would cover any damages.
- Ruth shared that there are specific criteria under Davis Sterling act for providing a waiver or variance and these reasons do not meet it.
- Tricia shared that she understands his arguments for this type of window but feels a variance is not the answer in this case. If owners want to

create a petition to change a rule but that will take time and costs a lot of money.

- According to the CCRs the HOA is not responsible for any costs or damages to windows and doors.
- Niki asked why the handful of single hung windows that have been installed and they were not required to fix it. Ruth shared that her understanding is that all of those single hung windows were installed prior to the rule. That they were what prompted the consideration and implementation of the rule. Management mentioned that the only units that have replaced windows between the rule creation and now were one unit that put the correct windows in. The Board indicated that if there is a unit that someone believes is contrary to this, the Board should be notified so they can look into it and make corrective actions if needed.
- **MOTION:** Niki moved to grant the variance to unit #38 and Jim seconded it and called for a vote. The vote was 5 to 1 opposing the motion. The motion failed.

**Agenda Item 2:** Discussion and possible action on air conditioning policy for Hidden Valley.

- Ruth shared that Nick has done extensive research on options so thought we should discuss it.
- Debra shared that her understanding is that current HOA rules regarding what one can do impacting exterior areas would prevent anyone from putting anything in that would not be isolated into the unit.
- Nick shared that he feels that the question will come up so how do we want to address it.
- The Board agreed to have someone write up a possible draft of a rule that would clarify existing prohibitions for window units due to protrusions and consider what might be possible. The Board will then discuss further at the next meeting.

**Agenda Item 3:** Discussion and possible action on Insulation under buildings.

- Ruth shared that a unit owner brought up a request for the HOA to replace the insulation under their unit as it has dissipated and causing their unit to be cold.
- The Board indicated that this item is not on the HOA reserve study and in the past owners paid it themselves. Ruth offered to research what other complexes do and connect with the reserve study person to understand whether this is typically an HOA item.
- The Board agreed to get back to the homeowner indicating this is not on the reserve study and thus not currently budgeted. She will work the owner and report back.

**Agenda Item 4:** Treasurer's Report - Discussion and Possible Action on Reserve Spending in 2023. Discussion on Reserve Funding for the 2024 Budget and Hidden Valley Collection Policy

- Ruth shared that there was an error in the report included before. She has corrected and sent it has been replaced on the website with the correct version.
- Ruth shared information related to the reserve fund, including recommendations on what work gets done for 2024. This will need to be finalized in the fall.
- Ruth shared that the next reserve study will be done in Spring of 2024 and inform the future funding for the reserves.

**MOTION:** Ruth moved that the reserve study funding for 2024 that was recommended in the existing reserve study be approved for 2024. Jim seconded and all board members present were in favor.

**Agenda Item 5:** Discussion and Possible Action - Insurance Claim and Summer Interior and Exterior Construction Projects

- Management provided an update on the current exterior repairs underway.
- Tricia suggested that a weekly meeting be scheduled with the contractor and management to share about progress. This is what we did this week and what we expect for next week for instance. She shared that the lines of communication with Jordan are challenging.
- Management shared that materials are supposed to be arriving Wednesday and then the initial one on building E should be done for our review and confirmation that we like this for the rest.
- Tricia shared that she met with Chris the interior contractor and shared with him our current scope estimate. She shared that he is on vacation this week but will hopefully get us information shortly after his return.
- Ruth spoke with Butner to clarify some items about the insurance payments. They suggested that you keep being persistent with requesting additional reimbursement from State Farm. That it is a long process.
- Ruth, Tricia and Jim spoke with an independent adjuster. He explained his role and how it would work. His fee is time and materials with a cap that is a % of what additional money he gets for us.
- Ruth shared that the insurance proceeds are kept in a separate account. As invoices need to be paid, management will submit to Butner for payment.
- Management shared that Jarod the State Farm adjuster will come back with a comprehensive report in a few days (likely by end of this week) that will indicate what is covered or not and why.
- The Board decided to pursue getting additional information and scheduled a follow up meeting on July 31<sup>st</sup> at 5:30pm to discuss the State Farm new report, the independent adjuster proposal, and any other related items.

**4. Announcements:** Future Meeting Dates:

July 31, 2023

September 27, 2023 6:00 PM

November 12, 2023 9:00 AM

Annual Meeting November 12, 2023 2:00 PM

**5. Adjournment** Ruth moved to adjourn the meeting at 8:30 pm and all were in favor.

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

**CONSENT AGENDA**

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

- A. \*\* Approval of minutes from July 13, 2023
  - B. \*\*Ratification of Treasurers Review for May 31, 2023
  - C. \*\*Ratification of Architectural Committee approvals of work order requests
    - 1. **Unit 38 pulled from consent for discussion of requested waiver.**
  - D. \*\*Report and Ratification of actions from Rule Enforcement Committee
- Reports and Informational Items
- E. Management report - informational item
  - E. Report on Reserve fund spending and options for major capital improvements.
  - E. Report on Hidden Valley Village HOA collection policies
  - E. Operating Rule 5.6 -Window and Sliding Glass Door Replacement
  - E. Davis Stirling Recommendation on Granting Variances and Waivers

**A. Approval of Minutes from June 13, Meeting**

Minutes are posted on the HiddenValleyMammoth.com website

**B. Ratification of Treasurers Review for May 31, 2023, and Treasurer's Report**

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

Treasurer's Report for July 18 meeting:

The excel sheet for the May 31 Financial Report from Butner's has some discouraging data.

The operating fund is down to \$19,495. Our target balance for the Operating Fund is \$87,000 so we are running a significant deficit. The target goal is to have 3 months of the HOA Operating Fund dues that owners pay.

The May statement does not show the transfer from the contingency fund to the operating fund to cover some snow removal expenses, but we can consider that \$60,000 spent. It will show up on the June statement which I will not have until after the July 18,2023 meeting.

To add to our Operating Fund woes the projections for Electricity, Propane, Trash Removal and Water & Sewer are all over budget. Water & Sewer is not a significant deficit. The trash removal over budget amounts can be explained by Extra trash pick-ups required during high STR rental use during weekends and holidays and the need for an extra dumpster on property for green waste disposal of tree limbs caused by winter storms.

Electric and Propane projections are concerning. We increased our budget line items for utilities by a significant percentage when preparing the 2023 budget. When I turned the draft '23 budget into Cindy Butner last year for review, she recommended a greater

increase for utilities, so we increased even more. Unfortunately, we are still running a deficit and will need to increase budget line-item expenses for utilities across the board for the 2024 Budget.

There are a few slivers of positivity with our operating budget. Administrative expenses and Maintenance & Supplies are right on target. With the exception of one fine of \$500 no owners are past due with their monthly fees. Thanks to management's quick action in filing our insurance claim we have received our first check from State Farm. Some of the expenses that normally fall under the line item of Buildings may be covered by the repair projects that are covered by the insurance claim and being done this summer.

### **Reserve Fund Information:**

In 2022 The Lower Spa and Deck were refurbished ahead of schedule. Due to winter storm damage, we will be replacing more than the 6 chases that were allocated for replacement in 2023. The effect of this "reaching ahead" to use Reserve Funds ahead of schedule will be explained and possibly acted upon in the open meeting session.

### **HVHOA Collection Policies**

Funding that will be collected in August, September, and October should bring both the Operating fund, and Reserve fund back to acceptable amounts. In the past when we had Emergency Special Assessments it put a "pinch" in some owner's budgets.

Owners with the autopay option on their HOA account should have the assessment automatically deducted along with their regular monthly dues payment, but it is important that you check to make sure your auto pay includes the assessment amount along with your routine monthly dues. Owners who do not have the autopay function must pay the assessment online by accessing the Butner Portal at <https://portal.butnerhoaservices.com> or a check made out to Hidden Valley Village HOA may be mailed to:

Butner Homeowner Association Services  
P.O. Box 1999  
Mammoth Lakes, CA 93546

Each November at the annual meeting the collection policies of the HOA are distributed along with the Annual Statement. As a reminder here is the Policy:

**Hidden Valley Village Owners Association Collection Policies** Prompt payment of Assessments by all owners is critical to the financial health of the Association and to the enhancement of the property values of our homes. Your Board of Directors takes very seriously its obligation under the Declaration of Covenants, Conditions and Restrictions (CC&Rs) and the California Civil Code to enforce the members' obligation to pay assessments. The policies and practices outlined shall remain in effect until such time as they may be changed, modified, or amended by a duly adopted resolution of the Board of Directors. Therefore, pursuant to the CC&Rs and Civil Code Section 5310(a)(7), the following are the Association's assessment practices and policies:

1. Assessments, late charges, interest and collection costs, including any attorneys' fees, are the personal obligation of the owner of the property at the time the assessment or other sums are levied (Civil Code Section 5650(a)).

2. Regular monthly assessments are due and payable on the first day of each month. A courtesy billing statement is sent each month to the billing address on record with the Association. **However, it is the owner of record's responsibility to pay each assessment in full each month regardless of whether a statement is received.** Special assessments are due and payable on the date specified by the Board on the Notice of Assessment, which date will not be less than thirty (30) days after the date of notice of the special assessment.

3. Any payments made shall be first applied to assessments owed, and only after the assessments owed are paid in full, shall such payments be applied to late charges, interest, and collection expenses, including attorneys' fees, unless the owner and the Association enter into an agreement providing for payments to be applied in a different manner.

4. Assessments not received within fifteen (15) days of the stated due date are delinquent and shall be subject to a late charge of ten percent (10%) of the amount of the assessment, for each delinquent assessment per unit.

5. An interest charge at the rate of 12% per annum will be assessed against any outstanding balance, including delinquent assessments, late charges and cost of collection, which may include attorneys' fees. Such interest charges shall accrue thirty (30) days after the assessment becomes due and shall continue to be assessed each month until the account is brought current.

6. If the special assessment is payable in installments and an installment payment of that special assessment is delinquent for more than fifteen (15) days, all installments will be accelerated and the entire unpaid balance of the special assessment shall become immediately due and payable. The remaining balance shall be subject to a late charge and interest as provided above.

7. A first notice of past due assessment ("late letter") will be prepared and mailed once an assessment becomes delinquent for 15 days (that is, has not been paid within 15 days of the original due date). A forty dollar (\$40) charge for the late letter will be made against the delinquent member's account. **IMPORTANT NOTICE: IF YOUR SEPARATE INTEREST IS PLACED IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR ASSESSMENTS, IT MAY BE SOLD WITHOUT COURT ACTION.**

8. If an assessment is not received within forty-five (45) days after the assessment becomes delinquent, the Association or its designee, in the event the account is turned over to a collection agent, will send a pre-lien letter to the owner as required by Civil Code Section 5660, by certified and first class mail, to the owner's mailing address of record advising of the delinquent status of the account and impending collection action. The owner will be charged a fee for the pre-lien letter.

9. If an owner fails to pay the amounts set forth in the pre-lien letter within thirty (30) days of the date of the letter, the Association will authorize a collection agent to record a lien for the amount of any delinquent assessments, late charges, interest and/or costs of collection, including attorney's fees,

against the owner's property (Civil Code Section 5675). The owner will be charged for the fees and costs of preparing and recording the lien. Thirty (30) days following recordation of the lien, the lien may be enforced in any manner permitted by law, including, without limitation, judicial or non-judicial foreclosure (Civil Code Section 5700 and; Civil Code Sections 5705-5710).

10. Collection action may also take the form of a lawsuit against a delinquent owner personally either in small claims or municipal court. More than one method of collection may be initiated against a delinquent owner, but only one will be concluded.

11. An owner is entitled to inspect the Association's accounting books and records to verify the amounts owed pursuant to Civil Code Section 5205 and Corporations Code Section 8333.

12. In the event it is determined that the owner has paid the assessments on time, the owner will not be liable to pay the charges, interests, and costs of collection associated with collection of those assessments.

13. Any owner who is unable to pay assessments will be entitled to make a written request for a payment plan to be considered by the Board of Directors. An owner may also request to meet with the Board in executive session to discuss a payment plan. The Board will consider payment plan requests on a case-by-case basis and is under no obligation to grant payment plan requests.

14. An owner may, but is not obligated to, pay under protest any disputed charge or sum levied by the association, including, but not limited to, an assessment, fine, penalty, late fee, collection cost, or monetary penalty imposed as a disciplinary measure, and by so doing, specifically reserve the right to contest the disputed charge or sum in court or otherwise (Civil Code Section 5658(a)).

15. An owner may dispute the assessment debt by submitting a written request for dispute resolution to the association pursuant to the association's meet and confer IDR procedure, as set forth in Civil Code Section 5900 et seq.

16. An owner may also request alternative dispute resolution with a neutral third party before the association initiates foreclosure against the owner's separate interest, except that binding arbitration shall not be available if the association intends to initiate a judicial foreclosure.

17. Nothing herein limits or otherwise affects the Association's right to proceed in any lawful manner to collect any delinquent sums owed to the Association.

18. Prior to the release of any lien, or dismissal of any legal action, all assessments, late charges, interest, and costs of collection, including attorneys' fees, must be paid in full to the Association.

19. If an owner's check is returned by the bank, the check will not be re-deposited. The owner will be sent a notice stating that the association requires a replacement check which will include reimbursement for the fee charged by the bank and any handling fees associated with the returned check.

20. Owners may notify the association of a secondary address for purposes of collection notices. Upon receipt of a written request by an owner identifying a secondary notice, the association shall send any required notices to the secondary address provided.

21. All charges listed herein are subject to change upon thirty (30) days' prior written notice.

22. **The mailing address for overnight payment of assessment is:** Butner Homeowner Assoc. Services, P.O. Box 1999, 2 Oak Tree Place, Mammoth Lakes, CA 93546-1999.

### **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 be approved by the board to commence work. All work requests were approved by the Architectural Committee and the board. Owners may begin their projects at their convenience. Projects must abide by Hidden Valley rules and Town of Mammoth Lakes building requirements.

Unit 4 fireplace reno & new wood burning stove

Unit 19, new flooring

Unit 38, kitchen reno, new window, post removal {pulled from consent to be discussed separately}

Unit 109, water heater

### **Motion 2 of 2: Work Completion Recognition & Recording**

The Architecture Committee motions that the following completed work requests be recorded & ratified by the board. 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 r

eceived.

Unit 6, wood stove retrofit

Unit 18, wood stove retrofit

Unit 19, kitchen renovation

Unit 20, new door lock

Unit 21, new fireplace tile surround & hearth

Unit 35, wood stove retrofit

Unit 120, wood stove retrofit

Unit 122, new wall heater

Unit 122, wood stove retrofit & fireplace

### **D. Report and Ratification of actions from Rule Enforcement Committee**

-Unit numbers can be cross referenced in the Executive Session Minutes

-Unit A:

\*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.

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 Issue Resolved.

-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 for 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 the owner that the board enforces the rules consistently for all owners and requested that Mary follow the rules. Owner had

questions about dogs in str rule and management provided the 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 the unit owner 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.

\*7/13/23 - Management received incomplete notice of occupancy

-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 Butners 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. Tenants in an adjacent unit complained of nuisance noise.

\*5/16/23-Board discussed and voted unanimously to assess a fine to the owner of \$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.

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 – Two 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.

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.

**H. Operating Rule 5.6 - Window and Sliding Glass Door Replacement**

**5.6 Unit 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.

## **I. Davis Stirling Recommendation on Granting Variances and Waivers**

<https://www.davis-stirling.com/HOME/E/Exceptions-Variations-Waivers>

### GRANTING VARIANCES AND WAIVERS

**Defined.** A "waiver" is the voluntary, intentional surrender of a known right, claim or privilege. When it comes to CC&R restrictions, boards can grant an **exception, variance, or waiver** to the association's right to enforce the restriction if circumstances warrant.

**Guidelines.** Unless the circumstances are extraordinary, the granting of a waiver will often result in other requests for similar waivers. The following principles should guide the granting of waivers:

1. The waiver should not be a major deviation from your CC&Rs or rules, such as allowing an owner to have two 80-pound Pit Bulls in a condominium complex that restricts owners to one 20-pound dog.
2. The waiver should not change the character of your community (allowing a French Tudor house in a Spanish style community).

3. The waiver should be in the minutes of an open meeting with a full explanation of why the waiver was necessary and proper.

Under the [Business Judgment Rule](#), directors must make their decision in good faith and in the best interests of the association.

**Failure to Enforce.** Failure by an association to enforce its restrictions can result in legal action by members against the association for its failure to enforce the rules or an [involuntary waiver](#) of the associations right to enforce its restrictions.

**Recommendation:** If a member requests an exception for themselves from the association's architectural guidelines or recorded restrictions, boards and architectural committees should seek legal counsel before granting the request.

