

**Minutes of the
NEPCO HOA General Membership Meeting
May 14, 2022**

The bimonthly NEPCO general membership meeting was held Saturday, 14 May 2022, at the Woodmoor “Barn” Community Center at 1691 Woodmoor Dr., Monument, CO.

Attendance: The following homeowner association’s representatives from NEPCO members and Associate Members were present:

Arrowwood III Improvement Association, Brent Libby
Cherry Creek Springs HOA, Glen Paget
Eagle Villas Owners Association, Warren Gerig & Al Rohr
Gleneagle Civic Association, Larry Oliver
Gleneagle North HOA, Bob Swedenburg & John Rickman
High Pines Owners Association, Paul Pirog
Jackson Ranch Owners Association, Marlene Brown
Kingswood Property Owners Association, Craig Cain
Longview Estates HOA, Ed Jaeger
Nichlas HOA, Dian Thompson
Red Rock Ranch HOA, Beth Lonquist
Summer Glen Estates, Ralph Nussbaum
Sun Hills Association, Nancy Spalding
Timberview #1 Property Owners Association, Dave Reed
Vista Clara Villas HOA, Mike Aspenson
Wissler Ranch HOA, Jim Keefe
Woodmoor Improvement Association, Rick DePaiva & Denise Cagliaro
Red Stephens (Associate Member)

The following guests were present:

West Oak Ridge HOA, Bob Mooney & Tim Johnson
Eagle Rising HOA, Cathy
Terry Forster

Guest speakers for the meeting were Terri Carver, Colorado State Representative for House District 20, and Lenard Rieth, HOA Attorney for Anderson, Dude & Lebel, P.C.

The following NEPCO member HOAs were absent:

Bent Tree Property Owners Association, Greg Davis
Canterbury Improvement Association, Beven Page
Chaparral Hills, Steve Sery
Cherry Springs Ranch HOA, Stan Searle
Donala Club Villa HOA, Joe Gray
Falcon’s Nest HOA, Cynthia Pearson
Forest Lakes, Jerry Richardson
Forest View Estates IV, Vic Blasi

Fox Pines HOA, Greg Lynd
Gleneagle 3 Homeowners Association, Angelo Guarriello
Gleneagle Townhomes Association, Gloria Milhoan
Heights Property Owners Association, Sara Charbonneau
Higby Estates HOA, Kimberly Will
High Meadow at Fox Run HOA, Louise Link
High Pines Patio Home Association, Graham Smith
Homestead at Jackson Creek HOA, Brian Slivka
Kings Deer Homeowners Association, Jan Sievert
Legends at Sanctuary Pointe, Steve Emery
Meadows at Monument Lake HOA, Keith Gardner
Misty Acres HOA, Chet Sawyer
Promontory Pointe HOA, Matt Surma
Ridge at Fox Run HOA, Steve Waldmann
Sanctuary Pointe, Jerry Richardson
Sun Mesa Townhome Owners Association, Jan Meesey
Sunrise Townhome Association, Priscilla Eagye
Tall Pines Ranch HOA, Tim Miller & Rob Andzik
The Timber HOA, Mark Spowart
Timberview #2 Property Owners Association, John Lewis
Village Center Estates, Dustin Sparks
Woodmoor Park HOA, Bill Peterson
Diversified Property Management (Business Associate Member), Steve Martin
Jon Mills (Associate Member)
Warren Management (Business Associate Member), Brandon Helm

NEPCO Board members present were Mike Aspenson (President, Vista Clara Villas HOA), Bob Swedenburg (Vice President, Gleneagle North HOA), Jim Keefe (Treasurer, Wissler Ranch HOA), and Larry Oliver (Director of Membership, GCA). Excused were Dave Betzler (Community Outreach Committee Chairman, Red Rock Ranch HOA) and Tim Miller (Member-At-Large, Tall Pines Ranch HOA). Since 17-member HOAs were present and 22 active paid-member HOAs were absent, a quorum was not present.

Opening and President's Comments: NEPCO President Mike Aspenson opened the meeting at 10:00 am and welcomed the attendees. He then led the attendees in reciting the Pledge of Allegiance. Mike then introduced the Board of Directors, the Committee Chairmen, and introduced the guest speakers Terri Carver, Colorado State Representative for House District 20, and Lenard Rioth, HOA Attorney for Anderson, Dude & Lebel, P.C. Mike then asked each attendee to introduce themselves. Mike identified NEPCO's Business Associate Members and Honorary Associate Members. Mike described the agenda. He then noted that the Woodmoor "Barn" Community Center will be NEPCO's place of meeting for the foreseeable future and thanked the Woodmoor Improvement Association for providing the meeting area. Mike described the open positions in NEPCO and appealed to the members for help filling these positions. Mike also asked everyone to help provide value to your HOA residents by sharing the information from NEPCO meetings and the minutes with the residents in your HOA.

Vice President Report: Bob reported that the NEPCO President and VP met with Andy Gunning, Exec Dir for PPACG, on 19 April 2022 to discuss mutual support. PPACG is going to provide a speaker, Mr. Jody Barker, Director of Area Agency on Aging, for the Jan 2023 NEPCO meeting on the Senior Services and Aging program. Also, PPACG’s Transportation Director, John Liosatos, is available for a deep dive presentation on transportation issues and planning in the area. PPACG’s Exec Drtr may ask NEPCO to sponsor a Transportation Forum addressing transportation needs in the region.

Secretary Report: Bob reminded all that the Board needs a Secretary, a Chairman for the Transportation and Land Use Committee, and a Chairman for the Wildfire Preparedness Committee. He then explained the job responsibilities for these positions. Any member that is interested can contact any current Board member for more information.

Treasurer’s Report: Jim Keefe, NEPCO Treasurer, reported the following financial information as of April 30, 2022:

Savings Account:

Balance April 30, 2022 \$183.96

Checking Account:

Balance April 30, 2022 \$4441.46

Total Available Funds

\$4625.42

The budget for 2022 is \$2003 of which \$314.76 has been spent to date.

Eight HOAs have yet to pay their 2022 dues.

Membership Committee Report: Larry reported that NEPCO currently consists of 47 active member HOAs with collectively about 10,000 homes and lots, 2 Business Associate Members, 2 Individual Associate Members and 7 Honorary Associate Members.

Community Outreach Committee Report: Mike reported for Dave Betzler, Chairman of the Community Outreach Committee, that OCN reporter, Marlene Brown, published a NEPCO membership meeting article in the OCN. Also, the Tri-Lakes Monument Fire Protection District is holding a meeting scheduled for 9:30 am on Monday, May 16, on the district’s Wildfire Plan initiative and NEPCO will participate. Also, the NEPCO mission & messaging efforts will continue to be developed by his committee.

Wildfire Preparedness Committee Report: Mike reported that we’re in need of a new leader and members for this committee. Matthew Nelson had to resign since he took a new job as the Manitou Springs arborist and forestry manager. He will be missed by NEPCO! Thus, the following activities are on hold: (1) the planned presentation schedule on wildfire education and mitigation, and (2) the planned wildfire articles on the Marshal and Superior Fire, Ember Storm, and Ignition. Also, the Tri-Lakes Monument Fire Protection District “Wildfire Plan” initiative will be held May 16. The TLMFPD has a contract with a specialized California firm to develop specific wildfire plans for District-Identified High-Risk Areas. The importance and value of the plan is to strengthen and improve firefighter preparation, incident planning and response. This

will support resident wildfire preparedness and emergency planning by individuals, neighborhoods, and HOAs.

Transportation and Land Use Committee (TLUC) Report: Mike showed a chart provided by John Lewis, TLUC, on the latest land use proposals by the county and the Town of Monument. **El Paso County Planning Projects** include the following:

- (1) The Atwood Subdivision at 515 Struthers Loop will subdivide one lot into two residential lots.

The Town of Monument Projects include the following:

- (1) Santa Fe Park Preliminary PUD Plan Amendment #1 will add standalone multifamily as an allowable use, will add industrial standards, and will provide other minor changes to update references to Monument's current Land Development Code. Santa Fe Park is an approximately 64.7-acre property situated west of Interstate 25, east of Old Denver Road and North of Baptist Road.

- (2) Monument Junction West Lot 5 Preliminary/Final PUD Plan is for 264 multi-family residential units on 10.687 acres.

- (3) Conexus Filing No. 2-Final Plat is a 145.88-acre site located along the west side of I-25 and east of Old Denver Road. The ultimate buildout of the site is proposed for high density residential, medium density residential, light industrial, retail, and commercial use.

- (4) Village at Jackson Creek Filing No. 1-Final Plat is a 46.973-acre site is west of Jackson Creek Parkway, off Harness Road and Strata Drive; proposed mixed use development.

- (5) Monument Junction East Filing No. 1-Preliminary/Final Plat is a 17.612-acre site is located north of Bowstrings Road proposed to be developed as single-family residential with a total of 58 lots.

- (6) Trailers Direct Express Rezone and Site plan is a rezone from PUD to Light Industrial (LI) in order to bring a National Trailer Sales business to Monument.

- (7) Falcon Commerce Center Phase 2 Preliminary PUD wherein Forest Lakes, LLC requests approval of a Preliminary PUD Plan for Falcon Commerce Center Phase 2 for civic, commercial, industrial, institutional, medical, office, residential and warehouse distribution uses on approximately 148.5 acres.

NEPCO members interested in volunteering to be a member of the NEPCO Transportation and Land Use Committee should contact Mike Aspenson at president@nepco.org.

TODAY'S PROGRAM: Mike welcomed our guest speakers, Terri Carver, Colorado State Representative for House District 20, and Lenard Rioth, HOA Attorney for Anderson, Dude & Lebel, P.C., who spoke on the recent legislative impacts to HOAs. Terri Carver gave her presentation first. She described numerous legislative bills that affected HOAs, wildfire mitigation, and other relevant bills as well as the status of each. Below is a summary of her presentation updated May 17, 2022:

- **HB22-1137 HOMEOWNERS' ASSOCIATION BOARD ACCOUNTABILITY AND TRANSPARENCY**
 - Bill Summary: This bill limits the autonomy of HOAs and their ability to assess fees, prices, regulations, etc, including restrictions on an HOA's ability to impose late fees, fines, and interest for violation of the bylaws and covenants.

- Bill Status: Passed in House and Senate; awaiting Governor's signature
- My Vote: "No."
- **HB22-1139 HOMEOWNERS' ASSOCIATIONS CANNOT REGULATE USE OF PUBLIC RIGHTS-OF-WAY**
 - Bill Summary: The bill prohibits a common interest community's unit owners' association (i.e. an HOA) from regulating the use of a public right-of-way.
 - Bill Status: Passed in House and Senate; awaiting Governor's signature.
 - My Vote: "No."
 - *Secretary's Note: This bill applies to all HOAs - large CCIOA or small exempt*
- **HB22-1239 REGULATE COMMUNITY ASSOCIATION MANAGERS**
 - Bill Summary: The bill imposes numerous licensure requirements for business entities that perform community association management and makes it more difficult for a business entity to become licensed.
 - Bill Status: Voted down in House Committee on Finance.
 - I was opposed to the bill.
- **HB22-1040 HOMEOWNERS' REASONABLE ACCESS TO COMMON AREAS**
 - Bill Summary: This bill imposes a legal standard on when HOAs can restrict or prohibit access to common areas during times of maintenance, repair, modification, etc. The bill also specifies specific notice requirements to homeowners.
 - Bill Status: Passed in House and Senate; signed by Governor.
 - My Vote: "No."
 - *Secretary's Note: This bill applies only to large CCIOA HOAs*
- **SB22-060 LIMIT HOMEOWNERS' ASSOCIATION FEE INCREASES FOR COMMON ELEMENTS**
 - Bill Summary: The bill prohibits the unit owners' association of a common interest community from increasing by more than 10% in any 12-month period
 - Bill Status: Voted down in Senate Committee on Local Government.
 - I was opposed to the bill.
- **HB22-1387 COMMON INTEREST COMMUNITIES RESERVE FUNDS**
 - Bill Summary: Imposes specific requirements on reserve funds for common interest communities.
 - Bill Status: Passed the House and Senate; awaiting Governor's signature.
 - My Vote: "No."

She also addressed the following relevant bills in her presentation now on the NEPCO web site:

- **SJR22-002 WATER PROJECTS ELIGIBILITY LISTS**

- **SB22-114 FIRE SUPPRESSION PONDS WATER RIGHTS**
- **SB22-028 GROUNDWATER COMPACT COMPLIANCE FUND**
- **HB22-1007 ASSISTANCE LANDOWNER WILDFIRE MITIGATION**
- **HB22-1132 REGULATION AND SERVICES FOR WILDFIRE MITIGATION**

- **SB22-007 INCREASE WILDFIRE RISK MITIGATION OUTREACH EFFORTS**
- **HB22-1012 WILDFIRE MITIGATION AND RECOVERY**

Rep Carver supplied the following information after the meeting to follow-up on three issues that were raised during the meeting:

(1) The proposed legislation to establish a State Board to set building standards for wildfire was defeated in this year's legislative session.

(2) Both HB22-1139 (Home Owners' Associations Cannot Regulate Use Of Public Rights-of-way) and HB22-1387 (Common Interest Communities Reserve Funds) passed the House and Senate, and are awaiting Governor Polis' signature (or veto).

(3) Rep Carver and her staff will ask County Commissioners Holly Williams and Stan Vanderwerf about county restrictions on open burning and vehicle/RV parking on public streets (in HOA areas). With regards to open burning, be aware that as of Monday, May 16th, El Paso County has put into effect a Stage 2 burn ban. This bans the following activities:

- Open burning defined as campfires and warming fires, charcoal grills and outdoor wood burning stoves, the use of explosives, outdoor welding or use of acetylene or other torch with open flames other than in an area cleared of all flammable materials. Fires contained within liquid-fueled or gas-fueled stoves are permitted.
- The use or sale of fireworks of all kinds.
- Outdoor smoking except within an enclosed vehicle or buildings.

Rep Carver and her staff are currently working with the Forest Service to determine wildfire mitigation grants, and as soon as they have access to a fact sheet on landowner mitigation, they will distribute it to NEPCO.

Mr. Lenard Rioth then spoke on recent legislative impact to HOAs. He began his presentation with a reminder of the three categories of HOAs in Colorado. The Colorado Common Interest Ownership Act (CCIOA) was passed in 1992 regarding the regulation of most HOAs in Colorado. Consequently, most legislation regarding HOAs after 1992 amends the CCIOA Act – but not all. CCIOA has three categories: (1) pre-1992 created HOAs – large HOAs are subject to CCIOA, (2) post-1992 created HOAs – large HOAs are subject to CCIOA, (3) small HOAs (either pre-1992 or post-1992) are those with less than 20 units or less than \$500 annual

assessment and are exempt from the CCIOA laws if they state in their covenants that their annual assessment will never exceed \$500. Mr. Rieth then described four bills of interest:

- HB-1137: Lenard said this bill originated from 1 or 2 HOAs in the Denver area foreclosing due to unpaid fines. He said the ability to levy fines is an important tool for HOAs to be able to enforce covenants, and this bill is onerous. This bill would deprive HOAs of the ability to fine and require they use the small claims court. Lenard asked the members to contact the Governor and ask him to oppose this bill. **This bill only affects HOAs under CCIOA.**
- HB-1139: Lenard said this Act prohibits associations from “regulating the use of public right-of-way”. An HOA would not be able to enforce a covenant to not park on the public street. Since this bill is being put into a different section of the Colorado law, **it would apply to all HOAs large and small.**
- HB-1040: Lenard said this Act requires that the HOA “preserve and protect” unit owners’ ability to use and enjoy the common elements, and prohibits the HOA from unreasonably denying access to the common elements, including during maintenance, repair etc. **This bill only affects HOAs under CCIOA.**
- SB-059: Lenard said this Act provides that a proxy must terminate in 11 months from the date of issuance unless the proxy provides for an earlier termination date. Lenard said this is no big deal. **This bill only affects HOAs under CCIOA.**

Terri Carver and Lenard Rieth both took many questions during their presentations and stayed after the meeting to address more questions one-on-one. Upon completion the audience provided a grateful round of applause and Mike then thanked them for their time and very informative presentation. Representative Carver can be reached at 719-425-7590 or terri.carver.house@state.co.us. Mr. Rieth can be reached at 719-632-3545 or lrieth@adllaw.com. The charts for their presentations are on the NEPCO web site www.nepco.org on the page labeled meetings. They contain more detailed information.

GENERAL NOTICES

2022 Meetings:

- a. **EL PASO COUNTY CODE ENFORCEMENT**, 29 January 2022 (completed): Joe Letke, Code Enforcement Officer for El Paso County, speaking on recent changes to the county codes and enforcement. Also, **PROPOSED NORTHERN DELIVERY SYSTEM**. Jim McGrady, District Manager for the Triview Metropolitan District, speaking on the proposal for a Northern Delivery System of water and storage.
- b. **PIKES PEAK AREA COUNCIL OF GOVERNMENTS**, 19 March, 2022 (completed): Andrew Gunning, Executive Director, speaking on the activities of the PPACG and its relationship to northern El Paso County homeowners.
- c. **LEGISLATION AND HOA IMPACTS**, 14 May 2022 (completed): HOA Attorney Lenard Rieth and District 20 State Rep Terri Carver speaking on HOA legal issues and legislative impacts to HOAs from the 2022 Colorado legislative session.
- d. **SCHOOL DISTRICT 38 Programs and Issues, and HOA MANAGEMENT COMPANIES Pros and Cons**, 9 July 2022 (tentative): K.C. Somers, the Superintendent of School District 38, speaking on the status and future of the school district. Also, the

Board will ask a few member HOAs who currently use management companies or have used them in the past to speak of their experiences. We hope to include an HOA attorney in the discussion. (Board member Tim Miller and his HOA has volunteered to organize this speaker session.)

- e. **EL PASO COUNTY, TOWN OF MONUMENT LAND USE PLANNING,**
10 September 2022 (tentative): Nina Ruiz, Monument Planning (formerly El Paso County Planning), speaking on the process for land use planning. (tentative)
- f. **COUNTY COMMISSIONERS on COUNTY PROGRAMS AND ISSUES,**
12 November 2022 (tentative): Holly Williams, District 1 Commissioner, and Stan VanderWerf, District 3 Commissioner, speaking on county programs and issues in the NEPCO area of interest.

Board “Observers” Requested: The NEPCO Board of Directors welcomes interested members from any NEPCO constituent HOA to attend Board meetings in the capacity of a Board Observer. This position provides the opportunity for interested individuals to observe the goings-on with the NEPCO Board, participate in discussions, and get to know how the Board is run. Board Observers have no voting rights, but otherwise are fully engaged in deliberations. It is a valuable opportunity for interested individuals, and the Board encourages all the HOAs to make this known. Interested individuals can contact the secretary Bob Swedenburg at 481-2723 or secretary@nepco.org.

Board Meetings Open: The Board has a standing invitation for any HOA representative or member to attend and observe the NEPCO Board meetings if interested. These are open meetings for any NEPCO constituent HOA member to attend. The Board meetings are usually held on the second Friday of each month at 9:00 am in the Woodmoor Improvement Association’s conference room at 1691 Woodmoor Dr., Monument, CO.

Meeting Reminders:

- All member HOAs please review your entry on the NEPCO web site for completeness and accuracy. Please notify any Board member of changes needed. The site is www.nepco.org. Member sign-in is the username *member* and the password *nepco@2021*.
- Member HOAs are encouraged to invite interested HOA members to NEPCO meetings
- Please share what you learn here with your HOA Board and residents, as appropriate

Closing: Mike thanked the HOA representatives for their attendance, participation, and feedback, and thanked our guest speakers for his time.

Mike then called for a motion to adjourn. The motion was made, a second was provided, and a vote to adjourn was received at 11:55 am.

Next NEPCO Meetings: The next NEPCO General Membership Meeting will be **Saturday, July 9, 2022**, from 10:00 am to about noon at the Woodmoor “Barn” at 1691 Woodmoor Dr., Monument, CO. A meeting announcement will be sent to all HOA Reps by the NEPCO Secretary.

NEPCO Northern El Paso County Coalition
of Community Associations, Inc.

Also, the next NEPCO Board Meeting (open for any HOA member to attend) will be held **Friday, June 10, 2022**, at 9:00 am at the WIA Conference Room at 1691 Woodmoor Dr., Monument, CO.

//composed//

Bob Swedenburg
Vice President, NEPCO

//approved//

Mike Aspenson
President, NEPCO