

**Minutes**  
**Civano 1 Neighborhood 1**  
**CC&R Committee**

October 20, 2009

The meeting was called to order at 6:00 p.m. Present were Win Hallett, Bob Small, Rich Bates, and Mark Francis. Absent was Chris Shipley.

Committee Roles and Responsibilities

Discussion was held on the revised responsibilities for the CC&R Committee, as stated in Amended Resolution 09-02. Prior to this resolution, the committee had oversight responsibility for the entire CC&R compliance process.

Our responsibilities today, it was discussed, are those of review and revision of not only CC&R documents, but also governing documents, policies, rules, and guidelines, none of which is named.

Our primary goal, “promoting solution based recommendations that are aimed at community building”, is very unclear. There is a stated secondary goal, “protecting property values”, which was once the primary focus of the committee. Even as a secondary goal, this is problematic, because the committee no longer has any means to oversee or control the CC&R compliance process.

Several members of the committee were in attendance at the HOA Board meeting in May, 2009 where the board discussed whether the CC&R Committee would have the right to even know what violation letters were being sent, since site tours would be conducted without committee representation. It was remembered that the board was divided on that issue, and that no decision was reached.

**Requested action from the Board:**

Therefore, we achieved unanimous agreement to request that the board amend Resolution 09-02 to restore the responsibilities that are stated in the former document, Resolution 05-03. Without that, our committee is just a shell of a committee, subservient to the Design Review Committee in several of our functions. We agreed that it will be difficult to achieve our goal of “protecting property values” without access to what is going on in the community, and will not be possible to even assess whether Cadden Management personnel are

adequately serving the community's needs re: CC&R compliance. Further, it will be difficult to attract and retain members on our committee if we have no meaningful work to achieve.

### Parking Violations

Discussion was held on the process to control parking violations, which has been a constant issue in CC&R Compliance. Parking violations are treated like all other CC&R non-compliance situations, and are put through the same notification process, which typically takes three or four months before any penalties can be imposed. That is impractical, since parking infractions are an annoyance to the community long before three or four months. For example, a recreational vehicle could be parked in a private lot or driveway for the entire winter season before we can compel compliance with our CC&R's. We agreed that we need a process that is more time-sensitive and has appropriate penalties.

#### **Requested action from the Board:**

It is requested that the board authorize us to study and recommend revisions to the CC&R process so that we can, with Cadden Management's assistance, better enforce the CC&R's re: parking.

### Voyager Homes Landscaping Violations

Revisiting an issue that was not acted upon last spring, we discussed the potential need for enforcement of the CC&R's re: the unfinished landscaping, specifically the lack of decomposed granite, of Voyager-built homes along Nightbloom Way and Richard Ashley Circle. Specifically, nine homes need to complete their landscaping, which was agreed by many, should have been completed by the builder. Violation letters on this issue were suspended in late 2007 when an effort was made to have the builder complete this work. Knowing now that this will not happen, the remaining homeowners need to be notified that they must now complete their landscaping.

Happily, the majority of homeowners have already completed their landscaping. Perhaps those nine who have not have already received friendly reminders or violation notices to do so.

We reviewed the letter that is proposed to be sent to the homeowners. It was suggested that the pertinent section of the CC&R's requiring decomposed granite be quoted in the letter. Win will seek assistance from Cynthia in getting the proper documentation into the letter.

**Requested action from the Board:**

It is requested that the attached letter be authorized and mailed to nine homeowners, whose addresses will be provided under separate cover. This letter will explain the issue and provide a 90-day time frame to correct the situation.

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Win Hallett, Chair