

**PORTILLO HILLS II HOMEOWNERS ASSOCIATION INC**  
**BOARD OF DIRECTORS**  
**February 14, 2019**  
**Minutes**

Call to Order – John Fitzgerald, Vice President, called the meeting to order at 3:15 pm.

John Fitzgerald noted there is a quorum present – John Fitzgerald, Alan Merriam, Casey Thompson, Tom DeVille and Chip Lundin. John welcomed Tom and Chip to the board.

John noted the first item of business is the election of the officers. The term of office will be one year.

President – Casey Thompson nominated John Fitzgerald– Chip Lundin seconded. Unanimous  
Vice President – Casey Thompson nominated Chip Lundin. Alan Merriam seconded. Unanimous  
Secretary – Chip Lundin nominated Tom DeVille. Casey Thompson seconded. Unanimous  
Treasurer – Casey Thompson nominated Alan Merriam. Tom DeVille seconded. Unanimous

Unfinished Business –

1. John Fitzgerald noted that the November Board Minutes had been emailed out to all the board members. He asked if there were any changes or questions. Alan Merriam moved they be accepted as presented. Casey Thompson seconded. Motion passed.
2. John Fitzgerald stated that the board was working on a schedule of fines. (Standardized fines for non-compliance) Alan said there was discussion was on the cost of \$100 or \$50. Tom DeVille noted that there is “Community Manager shall...” page 2, we don’t have a community manager. He also noted that number 5, “Contesting notice of evaluation” the fine is listed as \$100. Tom DeVille said he has other questions. On Page 2, item 6 says within 10 business days, community manager shall respond. Who exactly handles this? Board, President, Association? He asked who does the work since we do not have a community manager. Alan Merriam thinks the Board member on the A&G should be this person. Tom DeVille noted the following: Page 1, complaint to the Board of Directors - should this be A&G not the board. Paragraph 2 says association representative, who is that? John Fitzgerald felt the A&G chair should be association representative. Page 3, #18 after entry in a judgment in a civil suit for penalties – Tom DeVille thinks it should reference where in the cc&r or bylaws that shows how. Alan said this explains that after the civil suit is filed then we can ask for fees. Discussion was held on the document itself. Tom DeVille had concerns about the “civil suit” thing. Alan Merriam noted that this was drawn up by the Lawyer. Alan Merriam moved that item 6 be changed to A&G committee. Chip Lundin seconded. Norm Garneau, asked a question about the A&G – other than their responsibilities, who would handle other issues. Norm said there haven’t been fines in the past. Alan Merriam said this is just in-case. Alan Merriam said if you put in a shed in the backyard – how we get the shed removed. Tom DeVille said if we have a procedure and if the procedure doesn’t resolve the issue, then we move to this and it would then be the board. Tom DeVille if it is an issue that is not part of the A&G, then the A&G shouldn’t be responsible. Chip Lundin felt it should say Board of Directors or its designee, that #1 should be Board of Directors or it’s designee. After more discussion, Alan Merriam asked to table this until the April meeting. John Fitzgerald asked the board members to send Alan Merriam any remarks you have or changes you would like to see and he will reword the document.

New Business:

1. Bank authorization. John Fitzgerald announced the Board needs a motion to authorize the President, the Vice President and the Treasurer as authorized signatures on all banks accounts and remove Stacy Michaels, including but not limited to CDs, money markets, and online banking.

Tom DeVille moved to remove Stacy Michaels, Alan Merriam seconded. Motion passed.

Discussion was held on the accounts. Alan Merriam noted that most of the work was done online and he would remove Stacy Michaels from the online account. There is a bylaw that says all checks written over \$300 require two signatures; with online checks it requires written approval of two board members. After discussion, it was decided that the President, Vice President, and Treasurer are authorized signatures. Alan moved that John Fitzgerald, President; Chip Lundin, Vice President, and Alan

Merriam, Treasurer be the authorized signatures for the bank accounts. Second by Casey Thompson. Motion passed.

2. Safe Deposit Box Access. Chip Lundin moved to remove Stacy Michaels and Bruce Younker from the Safe Deposit Box. Motion was seconded Tom DeVille. Discussion was held on who should be on the safe deposit box access. Alan Merriam felt only the President and Vice President need to access the safe deposit box. If you add the secretary they have to go down there. After much discussion John Fitzgerald moved that John Fitzgerald, President; Chip Lundin, Vice President and Tom DeVille, Secretary have access to the Safe Deposit box. Alan Merriam seconded. Motion passed.
3. John Fitzgerald noted that Norm Garneau will be the chair of the A&G committee. John Fitzgerald noted that all other committees are filled and he moved that committee chairs be accepted as is. Casey Thompson seconded. Motion passed.
4. Discussion was held on changing the meeting schedule for the October/November meeting to follow the bylaws to be held in September. Bylaws say quarterly. After much discussion, it was decided to move this meeting to September. John Fitzgerald said he attended a meeting via phone last year and it worked well. Marge Garneau will get it moved and advise the Board of the new date.
5. CC&R change for contracting with one trash service. Proposed change to the section is in red: (this is the wording used in 2013)

5.21. Trash and Recycling. All equipment for the storage or disposal of garbage or other waste shall be kept in a clean and sanitary condition. All containers, except when set out for collection, shall be kept enclosed by an approved wall, out of view of any other Lot or street.

In order to keep to a minimum disruption within the Properties, to increase safety and to reduce traffic within the Properties, the Board, using its reasonable business judgment, may designate and contract with a refuse collection service, for and on behalf of all of the Owners, and each Owner hereby authorizes the Board to so designate and contract with a refuse collection service. Upon notice by the Board to the Owners, the Owners shall use only the refuse collection service designated by the Board. The Board shall decide whether the refuse collection service shall bill each Owner directly for refuse collection services provided, or if the Association shall pay for refuse collection services and add the cost to the Annual Assessment.

Discussion: John Fitzgerald would like to have round table discussions then vote over the email after the round table discussions. He wants to be able to move forward after the meetings. Alan Merriam feels we can authorize the President to move forward at his discretion. It was decided that the focus groups would be held and then after the homeowner's feedback, if the Board is to continue with the election John Fitzgerald should have the authority to do this. It was noted that the election would be held the same as the board member election and that Marge Garneau would handle the election for the HOA.

The Board discussed the contents of the proposed CC&R change. It was decided that the trash company was to do all the billing and collecting, not PHII and that PHII will not collect the money for trash collection. Tom DeVille moved that John Fitzgerald be authorized to proceed with the focus groups and after these meetings, if it is felt that this is in the best interest of the HOA, the Board should move forward with the CC&R process.

Tom DeVille moved that the CC&R read as follows: In order to keep to a minimum disruption within the Properties, to increase safety and to reduce traffic within the Properties, the Board, using its reasonable business judgment, may designate and contract with a refuse collection service, for and on behalf of all of the Owners, and each Owner hereby authorizes the Board to so designate and contract with a refuse collection service. Upon notice by the Board to the Owners, the Owners shall use only the refuse collection service designated by the Board. The refuse collection service shall bill each Owner directly for refuse collection services provided. Alan Merriam seconded. Motion passed.

6. ATTORNEY BILLING: Alan Merriam noted that he has a bill from the lawyer for 110 dollars for Virgil's question of any law suits pending. Alan thinks maybe because he sent it by email rather than verbal we are being charged. Our agreement with them is for verbal support. He asked if we are we going to pay this bill? It was decided Alan Merriam would look into the charge and if it is due it should be paid.
7. SHORT TERM RENTALS: John Fitzgerald noted that we need to deal with the problem of short term rentals as brought up by GVC. Do we want to ask the lawyer to write up something to restrict short term rentals? John Fitzgerald said he would look at the CC&Rs and bylaws before moving forward on this issue. This could also require a change in either the CC&Rs or Bylaws and would mean a vote of the HOA members. After discussion, Tom DeVille felt we should look at this and if we need changes have a separate ballot on this issue. Alan Merriam will look into this and come back to the board with it.

#### Announcements

Next Board Meeting is April 11 at Las Campanas

#### Visitor Comments

None.

Adjournment – Chip Lundin moved to adjourn 4:40 pm. Casey Thompson seconded. Motion Passed.

Respectfully submitted,

Tom DeVille  
Board Secretary

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