

CCEHA Board Meeting Minutes

October 1, 2009 6:30 p.m. to 7:15 p.m.

Held at the Clubhouse

Call to Order: Meeting was called to order at 6:30 pm by Kathleen Elmore, President. Board Members present: Ron Wolfe, Vice President; Pamela Gulbrandson, Secretary; Bruce Fletcher, Treasurer; Yenny van Dinter, Director, Phil Swart, Director.

Old Business:

- 9/03 Board Meeting Minutes were reviewed. Ron made a motion to accept the minutes as written. Phil seconded it and the vote was unanimous.
- Update on the status of the Lawsuit – Kathleen read the following statement to provide all with some background and an update.

LAWSUIT UPDATE 10/01/09

Summary of action to present

The association was served with a legal action by the five members of the recalled board on July 25, 2009. As required by law, the association responded to the suit within 30 days (August 20, 2009).

Neither plaintiffs nor defendants have discussed the pending litigation openly, via email or in open meetings as this has the potential of jeopardizing legal proceedings. Your board believes litigation results should be determined in court rather than by email speculation or street corner discussions.

Emails that have been sent addressing legal actions have initiated from anonymous or third parties. The community should carefully evaluate the messages to determine what truths they contain, if the contents contain unwarranted assumptions, or if the purpose is intended to arouse to some directed goal.

The CCEHA association has not initiated any legal actions to date. This can be verified through public records. Any legal fees incurred are the result of the recalled board's legal actions. All legal actions have been directed against the association, meaning against all CCEHA members – YOU.

HISTORY (PRIMARILY FOR THOSE WHO ARRIVED AFTER 2007)

In October 2007, a Special Membership meeting was held by “concerned homeowner” at Country Club Estates. The Special Membership meeting contained a quorum of CCEHA members

according to the by-laws. The result of that meeting was that a large majority of homeowners represented, voted (186-2) to remove the Board of Directors as allowed by state law. A nomination process and an election replaced the recalled board with a new board. This action was confirmed in arbitration by the CCEHA Architectural Committee.

The Special Membership meeting and the Arbitration actions were contested via a legal action by the recalled board. In February – March 2008, a district court denied the recalled board’s contentions that this was improper and that the association’s legal fees should be paid by the recalled board members. The results of this court action have not been appealed.

In early 2009, the recalled board contested payment of the attorney’s fees and the same court ruled that the association would pay the fees out of the association’s lawyer – which was done.

In late April 2009, the association received a letter from the recalled board’s attorneys stating that legal fees exceeding \$28,000 be paid by the association or legal action would be taken.

On July 11, 2009, a Special Membership meeting was called by the board of directors to discuss accessing the funds invested with Fidelity Investments, (should it become necessary) to pay potential legal fees while maintaining sufficient funds for the CCEHA budget passed by the members on January 24, 2009.

Due to the continuing legal action no further details can be discussed. On September 14, 2009 a Motion to Dismiss and Brief in Support were filed.

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- Reminder of the Town hall on October 17th – topic is input for the Budget Committee (Dave Elmore, Peter Vincken and Jess Hays) to prepare a budget for 2010. Coffee and rolls/donuts at 9:30 am with meeting starting at 10:00 am. Pamela will put together the town hall ground rules that we used for the last one and post those.

New Business:

- Treasurer’s Report –
 - Bruce says we need about \$17,000 to finish the year out and we have about \$20,000 in the bank account so we have enough funds at this time. Only line item that we are over budget is with legal fees in the amount of \$1868.16. We haven’t moved some of the line item amounts that were previously agreed upon. We have some monies still left from the items like taxes, clubhouse cleaning and supplies, yearbook start up, and various committees. He suggested that we do not move any monies from the utilities. No need to touch the Fidelity Account at this time for legal fees. Pamela asked if the bank statement will be presented at next meeting. Bruce said it would. Phil made a motion to accept Bruce’s report out, Yenny seconded it and the vote was unanimous.

- Correspondence to/from Secretary –
 - We have received the resignation email from Bonnie Rosenquist that she is resigning her position on the Architectural Committee. Pamela shared that the board wishes to fill this position and asks that anyone who wants to volunteer should let either her or any board member know so we can consider and choose the replacement. This would only be for the remaining months of 2009. Bruce asked that Bonnie be allowed to sign off on a couple of requests he has pending. Board agreed. Pamela will send out an email asking for volunteers and post a notice in the clubhouse.
 - Nomination for the open Director Position – the board received some volunteers and has decided on Jackie Rankin. Bruce made a motion to accept Jackie, Phil seconded it and the vote was unanimous. The board welcomed Jackie, who was at the meeting.
 - Pamela shared that she has not received any volunteers for the Nominations & Elections Committee. Pam Fletcher said she has the materials since she has been on for the last 2 years and will share with the new committee. Discussion that followed was that the board should try and contact members to get volunteers. We need at least 5 to 6.
 - Email from Don Underwood – Kathleen addressed this. Don is asking for answers pertaining to the lawsuit. We can't answer these individually since it could bear directly on the legal and we want to address any issues in the board meetings so that all can have the answers. It may seem rude but we just can't answer the specifics right now. She thanked Don for staying involved with the community.
 - Received an email request from a homeowner about voting via email for Annual Members Meeting in January. Some members will be traveling and don't want to miss the voting. We are taking this under advisement and will pass along the board's recommendation to the Nominations and Elections Committee. Thought is that we will probably go forward with this request.

- City & County Long Range Traffic Planning
 - Ron presented the three options that Deming is considering for a truck bypass route. Two of the options are to have truck traffic come right down Country Club Road which puts that traffic right by our neighborhood. The new port of entry at Columbus will potentially create a lot of truck traffic from Mexico so the city and county want to look at a route. There will be city and county meetings and we as a community need to be aware and involved. One of the city's concerns is that they want the truck routes to be close to the industrial park areas like on J Street. The actions we need to do are to engage the community and try to get the word out. We need to be on the lookout for meetings and ways to stay involved. Look

for notices in the newspapers and other places about the meetings. Let all of your neighbors know. Pamela indicated that we can also use the CCHA community email to notify the community, so if people let her know she will send out emails. Ron let us know that the long range plan is available to review at the city hall. You can't take it with you but you can review it. Ron's presentation with the options will be posted in the clubhouse.

- Committee's report out
 - Activities committee – Pamela gave the update on activities. The August visit to the McGowan Ghost Town was attended by about 18 people who said they enjoyed it. Mr. McGowan indicated that he will be glad to entertain more tours, so will put this on the 2010 listing of possible activities. October 30th will be our Halloween Party and we are asking that people come with costumes like last year to make it a festive event. November will be a “share your recipe” potluck and food drive for humans and pets. December 12th will be our Christmas party. More details to follow. We are under budget at this time and expect to be at year end.
 - Newsletter – Betty Buman stated that they are under budget at this time.
 - Welcome Committee – Lorraine Sanborn shared that they have no budget, however the Deming Chamber of Commerce has generously gave them bags and materials to hand out. They visited new people – Mary Kay Brady on 3005 Driver, Manny & Rose Costa at 2909 Driver and the renters at 3012 Driver – Miles & Cath Diller. Betty Buman shared that she has a new neighbor, who is renting, she doesn't know the name, and it's next to Ruthie & Randy Compton. Lorraine will try to find out the name.
 - Architectural – Bruce Fletcher said they under budget and he has two requests, one for a deck and one for a courtyard that will be approved.
 - Yearbook Committee – Phil said this has been tabled until next year.
 - By-Laws committee – Rudy shared that they on budget since they have no budget. They will need a budget for next year.
- Next Board Meeting – October 29th at 6:30 p.m. in the clubhouse. We want to get back on the 4 week schedule.
- Adjournment – Phil motioned that we adjourn, Yenny seconded, ayes have it. Meeting adjourned at 7:15 p.m.

Respectively Submitted,

Pamela Gulbrandson

CCEHA Secretary