

SILVERHEELS NEW AMENDED COVENANTS COMMITTEE (SNACC)

Minutes of 01/19/22 Meeting

(7:00 PM via Zoom)

Approved at 02/03/22 Meeting

1. Attendance

Members Present: Rich Bainbridge, Susan Barden, Tony Boccio, Luis Canales, Ann Erdle, Natalie Gorak, Lesley & Ed Hall, Gail & Steve Kloppel, Zach Loos, Mary Manka, Lane Mathison, Maria Mitchell, Mike Peterson, Tyler & Kylie Pontius, Art Recek, Charlie Schultz, Maria Smaldone, Jeffrey Togie, Lillian Wissel.

Moderator Present: JB Burghardt

Observers: Linda Rulli

Quorum: With all members present, a quorum was confirmed.

2. Minutes

The Minutes of the 01/05/22 meeting previously provided to the Members were approved with no changes.

3. Use of Zoom Chat Function

JB noted that after our last meeting, the email exchange among members about the use of the Chat function in Zoom during meetings helped clarify when Chat can be helpful. However, he noted that he normally has multiple screens going at once during our meetings and is taking notes, and simply cannot multi-task in the Chat room as well. Other members have likewise expressed that they are not able to monitor the Chat while participating in the verbal discussion. Therefore, JB asked people to limit their use of Chat to only what is essential, but he also has asked two people to monitor the Chat and encourage Chatters to express themselves verbally when they have relevant points to add to our discussion. Kylie noted that the record of Chat conversations is being saved along with the video/audio of our meetings. We reconfirmed our decision at our first meeting that anyone not on the SNACC who is observing our meetings should not use the Chat feature to post a comment or question – those should be emailed to JB after the meeting. Committee members who use Chat were urged to keep their Chats to a minimum and to participate verbally, as many members will not see the Chat comments otherwise.

4. Proposed Process for Managing Discussion and Debate.

JB noted that, after the last meeting and in light of comments he had received from several members, he had developed and disseminated a proposed procedure to manage discussion and debate in an effort to keep us on-course and moving forward. Committee members had the opportunity to review that proposed procedure in advance of this meeting. Generally, the members concluded that the procedure would be too restrictive and should be unnecessary for this group. All members agreed that each will need to self-regulate by being concise and not repeating themselves. If someone wants to voice agreement to a prior comment, that can be done quickly. Based on the foregoing reasoning, the proposed procedure was not adopted.

Questions were also raised about the use of Robert’s Rules of Order to manage debate more efficiently. JB admitted that he had not been a “parliamentarian” since high school student council, but he noted the basics that he suggested were appropriate to apply to this Committee:

- A topic (e.g., the next section, or sentence within a section, of the Article under consideration) is generally introduced and briefly discussed.
- A motion regarding the topic (e.g., a motion to approve as written, or a motion to amend or modify with specific language) is made.
- The Moderator asks if there is a second for the motion.
- If the motion is seconded, discussion and debate regarding the motion ensues. If the motion is not seconded, the motion fails for lack of a second and the process begins again.
- If debate of a seconded motion continues for longer than a member believes is needed because all relevant points already have been made, the member can be recognized and can state “I call the question”, which is the same thing as demanding that debate on the motion stop and that we vote on the motion.
- However “calling the question” *requires its own vote first*: Do the members agree, by the requisite majority, to stop discussion and just bring the underlying motion to a vote? If the majority vote approves calling the question, then debate on the underlying motion is stopped and we immediately vote on the underlying motion. If the majority vote does not approve calling the question, then debate on the underlying motion continues as before.

JB explained that, normally under Robert’s Rules, a 2/3 vote is required to “call the question”. However, there is no reason we couldn’t decide on a different majority if we choose to. The question of what majority vote would be required to approve “calling the question” was deferred to the next meeting.

5. Review Proposed Modifications to Article 2, Using v3 Text

JB reminded the Committee that draft v3 (sent to members a week before this meeting for review) was his effort to redraft Article 2 consistent with what he understood to be the gist of the discussions that we had at the last meeting about this Article. He also had provided a copy of v1 – our base document as originally put together by Charlie Schultz (see prior Minutes) – so that v3 could be compared against the base document. He noted that he was in no way suggesting that v3 was what should be approved – only that it represented his best sense of what members previously had discussed, and that it gave members “something to shoot at”.

Draft v3 proposed a new title to Article 2: “Construction of Improvements”. A question was raised as to whether the word “Improvements” included landscaping. JB explained that “Improvements” is a term included in the Definitions (Appendix A), and that the current draft does include landscaping. Discussion as to whether landscaping should be included in the definition of “Improvements” will be addressed at the next meeting.

Section 2.1 – Compliance. In Draft v3, this is a proposed new section that would require all lot owners in Silverheels Ranch to comply with all applicable governmental laws, ordinances, regulations, etc. regarding construction of Improvements (a similar provision not limited to construction is contained in Section 3.2 of v1). Draft v3 also adds a new final sentence providing that a violation of any of these laws would also constitute a violation of our Covenants. Some members felt proposed Section 2.1 would be redundant of the broader language of Section 3.2. Others felt the final sentence of proposed Section 2.1 was unnecessary because the concept is already implicit in Section 3.2. Others felt it was not implicit and definitely needed to be made explicit. Some expressed that our Board should not be “policing” our community and that when members saw something inappropriate going on they should approach their neighbors about the problem directly, or else go to the Sheriff or other County officials to deal with the problem since it’s their job to do so. Others expressed concern about doing so when the neighbors in question refused to change or even got adversarial or confrontational in response. Frustrations over the County’s lack of speed and effectiveness in dealing with alleged violations was raised as one reason why we need this provision in our Covenants; that way (as has been done historically) a representative of the Board could at least contact the allegedly offending party and try to address the problem. Those familiar with the County workings explained that the Covid pandemic has affected the number of County staff members. This obviously greatly affects what can get done.

A motion was made and seconded to eliminate the final sentence in proposed Section 2.1. After further discussion, the vote was 11 against the motion and 10 in favor. Therefore, the sentence will be retained.

A motion then was made and seconded to remove Section 2.1 from Article 2 and to rely on Section 3.2 (as it might later be modified, but including the new final sentence just approved) to cover compliance with all laws, not just construction-related laws. After further discussion, the vote was 14 in favor of the motion and 7 against. Therefore, Section 2.1 will be removed from Article 2 and incorporated into Article 3 (probably at or around Section 3.2) with the additional sentence.

Section 2.2 – Easements. A question was raised as to why we needed Sections 2.2 through 2.6 (covering Easements, Setbacks & the Ridge, Dwelling Units, Driveways & Culverts, and Sewage Disposal Systems, respectively) at all, since they seem to involve matters addressed by the County. Charlie Shultz and JB explained that each of these involves matters that are partially covered by County ordinances and regulations and partially by specific Silverheels requirements, and thus are necessary; in addition, most of these derive from the original 1979 Covenants. Another question was raised as to why to have them in separate sections rather than in one comprehensive section. JB explained his belief that this made the document more user-friendly by being easier to locate a specific topic.

A motion was made and seconded to approve Section 2.2 as a stand-alone section, without changes in wording. After further discussion, the vote was 17 in favor of the motion and 4 against.

Section 2.3 - Setbacks; The Ridge. Discussion of this section was begun but not completed by the end of the meeting. Discussion will resume at the next meeting.

6. New Business

No new business was presented.

7. Next Meeting

At the conclusion of this meeting it was decided that the next meeting would be Wednesday, Feb. 2 at 7:00 PM.

[Shortly after the meeting was adjourned, however, JB sent out an email regarding an unavoidable conflict on Feb 3 that he had failed to recall, and he asked if the date could be changed to **Thursday, Feb 3 at 7:00 PM via Zoom.** This change was later approved].

8. Adjournment

The meeting was adjourned at 9:06 pm.