

ROOSEVELT RIDGE HOA BOARD OF DIRECTORS, OFFICE OF THE SECRETARY

April 16, 2020

Dear Roosevelt Ridge (RR) Members and Owners,

On April 9, 2020, the Members of the RR HOA held a mandatory vote as required by the RR Declaration, Section 5.17, for the Board to levy a special assessment to fund a community cistern. The details of this voting process are as follows.

Notice

As HOA Secretary, I mailed the attached documents (“Meeting Notice 04.09.2020.pdf”) from the Board of Directors via USPS to the mailing addresses on record for 22 of the 25 RR Community Owners on March 30, 2020. Three Owners have requested to receive online notices only.

The attached documents include the date, time, and dial in information for the vote. Additionally, as required by the RR Declaration, Section 5.17, the documents include the “amount of the Special Assessment and the manner in which, and the dates on which, any such Special Assessment is payable.”

The Board also emailed the same documents to the RR Community Owners on March 30, 2020.

Voting Methods & Results

As stated in 5.17, the “Executive Board shall not levy Special Assessments without the vote of Members of the Association representing at least sixty percent (60%) of the voting power residing in the Owners of Lots subject to the Special Assessments.” With 25 lots, 15 affirmative votes were required to levy the special assessment for the cistern. 16 affirmative votes were received.

The summarized voting methods and results are below:

Voting Method	Yes	No or Absent	Yes
Owners	16	9	64%
Members	16	7	70%
Members present	16	3 (No only)	84%

Lot Number	Owner	Vote		Lot Number	Owner	Vote	
1	Bertele	Yes	1.0	14	Graff	Ballot Yes	1.0
2	Lone Pine	Ballot Yes	1.0	15	Nolan	Yes	1.0
3	Bertele	Yes	1.0	16	Keicher	Yes	1.0
4	Cheung	Email No	0.0	17	Sharma	No	0.0
5	Morello	No Contact	0.0	18	Aucion	Ballot Yes	1.0
6	Sargos	No Contact	0.0	19	Wilson	Email Yes	1.0
7	Anderson	Yes	1.0	20	Twining	Ballot Yes	1.0
8	Gearhart	Ballot Yes	1.0	21	Lucky 21	Email No	0.0
9	Wallace	Ballot Yes	1.0	22	Kennedy	No Contact	0.0
10	Mayberry	Yes	1.0	23	Bramante	"will contribute"	0.0
11	Keller	Yes	1.0	24	Lurie	Yes	1.0
12	Pure	No Contact	0.0	25	Burnstein	No Contact	0.0
13	Waistrowksi	Yes	1.0	Percentage of Yes			64%

As the board nominated secretary, I hereby certify the affirmative result of this vote. This was not a secret ballot election therefore the results will be public record.

Sincerely,

Kate Anderson
Secretary, Roosevelt Ridge HOA

ROOSEVELT RIDGE HOA BOARD OF DIRECTORS

March 30th, 2020

Dear Roosevelt Ridge HOA Members and Owners,

In accordance with the RR Declaration, section 5.17, members of Roosevelt Ridge BOD have agreed to hold a Members Meeting to vote on an assessment to fund an owner's cistern.

CCR: Section 2.53 Special Assessment. "Special Assessment" shall mean a charge against each Owner and his Lot representing a portion of the costs to the Association for the purpose of funding major capital repairs, maintenance, replacements and improvements, pursuant to Section 5.17.

The details of the cistern plan and owner liability was disclosed to members multiple communications to include an HOA wide email on 3/16/2020 and Directors Meeting held on 3/25/20.

Document 2020-03-16 RR Cistern Update.pdf provided the background and plan.

Document 2020-03-13 Cistern Letter to Owners (RR HOA, Jessica Miller).pdf provided the legal opinion of cistern liability and is consistent with the BOD's opinion.

The assessment of \$100,000 will be funded in two parts, all divided evenly between owners.

- The initial contribution of 70% (\$2,800) of the total estimated cost due at the end of Q2 2020
- The final contribution of 30% (\$1,200) to cover the remaining costs will be due near or upon completion of the cistern (estimated to be Q2 2021). Notice will be provided a minimum of 45 days in advance.
- If project cost overruns occur, a separate vote will be conducted to approve any additional funding over the initial \$100,000 assessment.

Meeting Date: April 9th, 2020 7:30 PM MDT

Meeting Type: Members Meeting

Place of Meeting

- Virtual Meeting: Dial up and web access information
 - <https://cuboulder.zoom.us/j/453449582>
 - Meeting ID: 453 449 582
 - Dial In: 669 900 6833

Order of Business (required from bylaws)

- Roll call
- Proof of notice
- Reading of minutes of preceding meeting
- Any other business (agenda)
 - Reports from Officers
 - Reports from Committees
 - Assessment Comment Period
 - Assessment Vote

Sincerely

Roosevelt Ridge Board of Directors



ROOSEVELT RIDGE BOARD OF DIRECTORS

March 26, 2020

Re: Owner Obligations

The Roosevelt Ridge (RR) HOA Board of Directors (RRBOD) recently directed the RRBOD's attorney, Jessica H. Miller, to conduct an analysis of the various documents and factors related to the construction of a water cistern for fire suppression.

As outlined in Ms. Miller's letter (which each of you have already received) the analysis concludes that:

- To satisfy an annexation requirement established by the Gilpin County Commissioners Lone Pine Real Estate LLC and the (then) owners of several lots petitioned in late 2005 for certain property to be included in the Sierra Fire Protection District (SFPD), which the SFPD Board of Directors granted.
- In early 2006, the Gilpin County Court ordered that the property described in the Order (the "Subject Property") be included in the SFPD. This Order was recorded with the Gilpin County Clerk and Recorder on February 21, 2006 at Reception No. 129088.
- The Order binds the Subject Property and by extension the *owners* of the Subject Property, without reference to or reliance on membership in the RR HOA.
- The Order requires the Owners to, ". . . permanently furnish to the [Sierra] Fire Protection District a site for the construction and maintenance of an apparatus garage [fire station] at main entry to the property at lot 15."
- The Order requires the Owners to "construct two 30,000 gallon community water cisterns to be used for fire suppression." The first "prior to the completion of 25% of the homes on the Property and the second cistern shall be constructed prior to the completion of 50% of the homes on the Property."
- The Order further specifies that, "Each home site shall include a serviceable 10,000 gallon water cistern with adequate access for fire apparatus."

You should have received a notice that the Timberline Fire Protection District (TFPD) will not approve the issuance of new building permits on the Subject Property until the cistern conditions are satisfied. The RRBOD has spent many hours negotiating a potential compromise with the TFPD on behalf of the HOA Members (the details of which you were previously provided). If successful, that negotiation would eliminate the requirements for the fire station and individual cisterns, and substitute the two-cistern-requirement with a single 30,000+ gallon cistern (the Alternative Cistern Option, the ACO); ultimately relieving the Members of the individual cistern mandate and allowing for the issuance of new building permits. Although the TFPD has not made a firm commitment to begin approving the issuance of building permits upon the commencement of the ACO, the RRBOD believes that TFPD may be willing to approve the issuance of a limited number of permits prior to the completion of the ACO project.

Based upon our attorney's recent analysis, the RRBOD believes that it has an obligation to include the above referenced Order in any HOA compliance inquiries submitted to the HOA by interested parties; including, but not limited to: realtors, potential purchasers, lenders, title companies, insurance companies, etc.

On behalf of the Roosevelt Ridge Board of Directors

Lee W. Mayberry, Director

Roosevelt Ridge Ballot – Special Assessment for Community Cistern.

Instructions: Members may submit a ballot prior to or vote during the special members meeting. For members not attending or would like to vote prior to the meeting; fill out ballot, sign, scan and email to the secretary, Kate Anderson, no later than April 9th, 2020 5:00 PM MDT.

Ballot issue: Roosevelt Ridge HOA should fund a 30,000-gallon community cistern through a special assessment paid in two installments as described below:

- The initial contribution of 70% (\$2,800) of the total estimated cost due at the end of Q2 2020
- The final contribution of 30% (\$1,200) to cover the remaining costs will be due near or upon completion of the cistern (estimated to be Q2 2021). Notice will be provided a minimum of 45 days in advance.
- If project cost overruns occur, a separate vote will be conducted to approve any additional funding over the initial \$100,000 assessment.

Name	Lot Number	Yes	No
Signature	Date		