

Mill Creek Summer Homeowners Association (MCSHA)
Meeting via Zoom
May 6, 2021

Called to Order: 5 pm

Board Members Present: Mark Black, Tim Coyne, Bill Loker, Patrick Schimke, Jerry Cleek

Guests: Craig Faniani, Chair, Architectural Review Committee; Darren Bevans, attorney-at-law, Baydaline & Jacobsen, LLP; Christian Georgely, Baydaline & Jacobsen, LLP.

Board President Black provided brief background on MCSHA Board review of and proposed changes to MCSHA CC&Rs with special emphasis on long-term discussion of rental restrictions and use of cabin for principal residence. He then introduced Board members to Mr. Bevans.

Mr. Bevans provide background on legal context of the operation of homeowners associations (HOAs) with particular emphasis on the expansion of regulation embodied in the Davis-Stirling Act. His preliminary review of the 2017 MCSHA CC&Rs and By-laws indicates that these need thorough review and modification to bring them into compliance with existing law consistent with Mill Creek's character as a community. This review entails: administration of a questionnaire to the Board; a first draft of revised CC&Rs and By-laws, consistent with current law by the firm; an opportunity for the Board to review proposed changes and a subsequent meeting (2-3 hours) of the firm with the MCSHA Board to discuss any concerns the Board may have, and : a second draft to incorporate changes. The second/final draft will need to be reviewed, commented upon and voted on by MCSHA members (cabin owners). As part of the service outlined by Mr. Bevans, his firm will ensure that election rules (voting rights and procedures) are consistent with current law.

In the Q&A period following Mr. Bevans' presentation, the question arose of dissolving MCSHA HOA. Bevans suggested that this is not a good choice and in any case would require consensus (100% agreement among member) to dissolve. If MCSHA members (cabin owners) are unhappy with living under CC&Rs and HOA regulation, they have the option of selling their property and leaving the community. He sympathized that managing an HOA is complex and time consuming and suggested we consider hiring a professional manager.

Mr. Bevans requested certain documents: election rules, budget disclosures, ARC regulations, and a copy of the 2000 US Forest Service Handbook, referenced in our CC&Rs. He will draft a written estimate of proposed services and costs for our review.

He also suggested we review the MCSHA website for ADA compliance and to enhance the security of important documents. Messrs. Bevans and Georgely left the zoom meeting at 5:50 pm.

The Board met briefly after Mr. Bevans' departure to discuss the financial implications of retaining his services and noted the importance of explaining the current situation to members at the upcoming Annual Meeting in July. Black also discussed contracting RnS Lot Cleaning

services for clearing of common land and removal of a large hazardous tree near the Tamarack water tanks.

Meeting adjourned: 6:05 pm.