

Two Rivers Homeowners Association

NOTICE IS HEREBY GIVEN that a meeting of the Directors of the Executive Board of Two Rivers Homeowners Association will be held at the Two Rivers Community Center, Dotsero Colorado on Wednesday, August 7, 2024, beginning at approximately 6:00 P.M.

AGENDA

1. Call to Order
2. Declaration of Quorum
3. Consideration of Agenda
4. Consideration of Minutes
 - a. June 5, 2024 Board Meeting (attachment)
5. New Business
 - a. Operations Manager Report (attachment)
 - b. Other Business
6. Action Items
 - a. Ratification of June - July 2024 Payables (attachment)
 - b. Approval of New Collection Policy pursuant to HB24-1233 and HB24-1337 (attachment)
 - c. Other
7. Board Member Discussion Items
 - a. 2024 HOA Legislative Update (attachment)
 - b. Other
8. Financial Matters
 - a. June 30, 2024 Financial Statements (attachment)
 - b. Accounts Receivable (separate attachment)
 - c. Other
9. Adjournment

DISTRIBUTION

Board of Directors

Chris Delsordo	Term expires 2025
Thomas Behrens	Term expires 2024
Nancy Andresen	Term expires 2024
Chris Blackstock	Term expires 2025
Glen Tripp	Term expires 2026

Other

Ken Marchetti, CPA, Association Manager
Craig Plizga, Community Operations Manager
Magdalena Gembal, Account Manager

RECORD OF PROCEEDINGS

Two Rivers Homeowners Association Board of Directors Meeting June 5, 2024

MINUTES OF THE BOARD OF DIRECTORS MEETING TWO RIVERS HOMEOWNERS ASSOCIATION, INC. JUNE 5, 2024

A meeting of the Board of Directors of the Two Rivers Homeowners Association, Inc. was duly called and noticed at the Two Rivers Community Center, 80 Lake Shore Dr., Gypsum, CO 81637 and via an online Zoom meeting.

ATTENDANCE

The following directors were present and acting:

- Nancy Andresen
- Chris Delsordo
- Chris Blackstock
- Glen Tripp

Absent and excused:

- Tom Behrens

Also in attendance were:

- Ken Marchetti, Marchetti & Weaver
- Magdalena Gembal, Recording Secretary for the Meeting
- Craig Plizga, Community Operations Manager
- Tammy Behrens, Resident
- George Maddalone, Resident
- Kelli Adrian, Resident
- Adelaida Gonzalex, Resident
- Yazmin Almanza, Resident
- Zyanya Rodriguez, Resident
- Ms. Harrison, Resident

Call to Order

The meeting of the Executive Board of the Two Rivers Homeowners Association was called to order on June 5, 2024 at 6:04 p.m., noting a quorum was present.

Consideration of the Agenda

Director Tripp expressed interest in adding an agenda item for “Relationship with Developer regarding the New Development” under business items.

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Two Rivers Homeowners Association Board of Directors Meeting June 5, 2024

Resident George Maddalone requested to add an agenda item to discuss sinkholes that have appeared between his house and the neighboring one, also under business items.

Resident Yazmin Hernandez proposed adding agenda items for covenant enforcement regarding parking and landscaping issues. Mr. Plizga noted that these topics will be covered in his report.

Minutes

The Board reviewed the March 6, 2024 minutes included in the packet, and upon motion duly made and seconded, it was unanimously

RESOLVED to approve the March 6, 2024 Minutes of the Board of Directors as presented.

Operations Manager Report

Craig Plizga presented his Operations Manager Report:

- The irrigation line along Buffalo has been patched and replaced by Rocky Mountain Custom Landscapes, ensuring water from the entrance to and around the cul-de-sac.
- This year's irrigation start-up process has been inconsistent. Unlike previous years, water has been turned on by request or when noticed, leading to confusion. Residents are to be informed to email if they want their water turned on. A fixed start-up date will be reinstated next year.
- Three trees were added behind the pool for shade, and the remaining dead trees along the entrance were replaced.
- Plans to plant hedges around key areas at Bass Park are underway. Dead trees have been removed, and irrigation will be set up to support the new hedges.
- The Eagle County Sheriff hosted the Chats and Churros event on April 18th.
- Community clean-up will be managed by Trinity from July 8th to the 12th, with five roll-offs over five days.
- A new authorized entrance to the eastern lake has been introduced, and residents have started fishing with drift boats, creating a put-in on the north shore. Improving the current put-in is being considered to prevent the new one from becoming permanent.
- The Division of Parks and Wildlife conducted a Smallmouth Bass/Pike kill on the westernmost lake (Kokanee) last month to reduce predatory fish entering the river. Next spring, a survey

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will be conducted to see the results. It was also recommended by the agency to remove the tires located at the bottom of the lakes.

- The neighborhood 4-H group's use of the community center will conclude this month. Mira visits on the third Thursday, and the food market is held every Thursday from 4 to 6 pm.
- Room rentals are busy, with most Saturdays booked through July.
- The parking policy was previously unenforced by past boards. Under HB22-1137, violations must now be resolved within 60 days, with a maximum fine of \$500. The association limits driveways to no more than three vehicles. The Board and residents discussed solutions such as introducing a parking permit system and increasing visits from the booting company. By motion duly made and seconded it was unanimously

RESOLVED to approve increasing visits from the booting company and initiating earlier enforcement of the current parking policy at night.

- Landscaping fees may now include charges to the association for sprinkler heads and minor fixes (start-up), and to homeowners for dog feces cleanup (\$45 after the first warning notice).
- An inquiry from a homeowner regarding a design review application for house modifications or additions prompted research and inquiry, as it was not explicitly addressed in the association's governing documents. Both Director Blackstock and Tripp expressed skepticism about approving such requests based on the project details.

Other Business

Director Tripp inquired about the future relationship between the new development adjacent to Two Rivers Village and within the Two Rivers Metropolitan District (TRMD), known as Confluence at Two Rivers. It was mentioned that construction is pending permits and the lots will be leased. Mr. Marchetti suggested that this matter could be addressed at the upcoming TRMD Board meeting on June 11th and encouraged Board members to attend.

Resident George Maddalone asked about the next steps to repair a sinkhole that has appeared on his lot. Mr. Plizga noted that the warranty with the

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developer has expired and suggested looking into his insurance for further assistance.

Accounts Payable

The Board reviewed the March 2024 through May 2024 accounts payable lists and by motion duly made and seconded it was unanimously

RESOLVED to ratify the March 2024 through May 2024 accounts payable lists as presented.

Board Member Discussion

The Board members primarily discussed the consultation with legal counsel regarding the restriction of short-term rentals, which would necessitate amending the declaration. Mr. Marchetti reported that amending the declaration to implement such restrictions would be challenging, requiring approval from 50% of the units.

Financial Statements

Mr. Marchetti commented on the preliminary financial statements as of April 30th. He highlighted significant expenses, particularly in landscaping. He mentioned that the preliminary budget for 2025 has been drafted, recommending an increase in monthly dues from \$75 to \$80. This proposal was also suggested last year but was opposed by the Board due to rising property taxes. However, if approved, it is anticipated that 2025 would still end with an annual operating deficit due to increased costs driven by inflation. It is expected that 2024 will also close with deficit figures, but reserves are available to cover deficits.

Accounts Receivable

Mrs. Gembal reported on the accounts receivable, noting that all payment plans are active and current. She also mentioned that one of the two largest outstanding accounts has been settled. Another is being considered for turn-over to legal counsel for collection as discussed following.

Resolution to Collection Turnover

Mrs. Gembal commented that the other largest outstanding account for 90 Brook Trout Loop as it has not attempted to settle the account despite receiving a demand letter in accordance with the collection policy. She requested the Board to proceed with turning the account over to legal

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Two Rivers Homeowners Association Board of Directors Meeting June 5, 2024

counsel for collection. By motion duly made and seconded it was unanimously

RESOLVED to turn the 90 Brook Trout Loop account over to legal counsel for collection.

A final courtesy notice should be issued before referring the account to legal counsel.

Adjournment

There being no further matters for discussion, the meeting was adjourned by Director Blackstock at 7:22 p.m.

Respectfully submitted,

Magdalena Gembal
Recording Secretary for the Meeting

Two Rivers HOA Report August 2024

- Trinity handled the community clean up this year. The week was July 8th to the 12th. We had five roll-offs in five days.
 - The only issue was Tuesday morning, Monday night they over filled the two initial roll offs.
 - Next year I think I will just have three initially delivered on Monday.
 - Tuesday I will have one or two picked up and a forth delivered.
 - Then I will have the last two picked up when full.
 - This year we could have gotten by with only 4, one less than the last two years.
- Room rentals continue to be busy Saturdays are full through August.
- Signs have been put up at the new eastern lake put-in explaining that this is not a put-in. They were placed so they will see the signs if they use the put-in, but not in a place so they have to create another new put-in. We also placed signs at lace access points that warn of aquatic hitchhikers recommending people clean off their boats before putting them in our lakes.
- Pool is running great, usage continue to be high. Early in the season I was dealing with consistent mess on the deck and even the occasional HS prank. Thankfully I haven't had a trashed deck in a while and the last prank was almost a month ago.
- Double M asphalt is in the process of crack sealing all roads and the seal coating the loops. We scheduled the work earlier this year so the roads would be dryer, since many residents just ignore the cones.
- Vail church again hosted the summer River Jam, numbers were still excellent around 25 per session. They again offered art inside followed by games outside after dinner.
- The fiber optics head ache is from the 2021/22 HR 4374 bill, ensuring broadband internet connections for Rural America Act. They were not good about communicating on the front side, but have been very good since they kind of showed up un-announced. We did get notice in May when Paul(our water guy) had to do a dig safe for the project. He was told they would be finishing the broadband in the spring. Months passed and they just showed up un-announced in the summer.
- I am meeting with a landscape architect this Thursday to look at the buffalo cul-de-sac. The plan is to do some simple landscaping, plant some trees and shrubs, add a basketball hoop and a doggie station.
- Eagle county sheriff has now pushed me off to the state troopers about the atv enforcement in the neighborhood. My hope is they actually do some patrols.
- Warning violations went out about 2 weeks ago for yard parking and visible atv's. The next step is the \$200 fines, except on Rainbow where they will be getting warning this week.

Two Rivers HOA
Accounts Payable - June 2024

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
<i>Altitude Law</i>	<i>74.00</i>	<i>STR Legal counsel guidance</i>
<i>American Conservation & Billing</i>	<i>1,048.05</i>	<i>HOA Billing - June</i>
<i>Auto-Owners Insurace</i>	<i>1,912.00</i>	<i>General Liability Insurance</i>
<i>Fresh Mtn Lawns</i>	<i>16,175.00</i>	<i>Weekly Maintenance - May</i>

Payables to be Approved at Meeting: 19,209.05

Additional payments are in bold print
Payments to be ratified are in italic print



HB24-1233 and HB24-1337 RECOMMENDED COLLECTION POLICY

On June 3, 2024, Governor Polis signed [HB24-1233](#). This new law, in addition to [HB24-1337](#), revised various sections of [CCIOA](#) with respect to the collection and foreclosure of delinquent assessments. Because of the changes, we are recommending associations adopt a new Collection policy to meet the new law.

The Collection policy must be updated to address new notice requirements, communication methods, and other changes including:

- Removal of the requirement to post notice on the owner's door.
- Revision in the methods of delivery of notice, which now require: (i) certified mail return receipt requested to the owner's mailing address, and (ii) two of the following:
 - Phone call to owner or their designated contact.
 - Text to owner or their designated contact.
 - Email to owner or designated contact.
- Clarification of the ability to charge back actual costs of certified mail.

The new law will go into effect on August 7, 2024. Associations cannot take any collection action unless they have a Collection policy that complies with the law. Therefore, if you haven't yet drafted a Collection policy, or if your current Collection policy is not compliant with the above-referenced laws, we recommend you adopt a new one as soon as possible.

To that end, **Altitude Community Law offers to draft a new Collection policy at a fixed fee of \$235.** The new policy will comply with the law, and **will also include a free Registration of Email/Phone Number policy**, to help associations comply with the new delivery of notice requirements above.

Should the Association wish to move forward with the above service, the Association will pay Altitude Community Law P.C. (the Firm) \$235 for performance of the services described above, and will not be entering into an hourly fee agreement. This means that the Firm will devote such time to the representation as is necessary, but the Firm's fee will not be increased or decreased based upon the number of hours spent. The fees would be due and payable 30 days after the work is complete and billed. No amounts will be due or billed prior to completion of the work.

Please contact any of our attorneys at hoalaw@altitude.law or 303-432-9999 if you wish assistance with the above recommended policy update.

Highlights of 2024 Legislation affecting Common Interest Communities (CIC)

Detailed Summary of 2024 Legislation "[S:\docs\MMWLLC\HOA\HOA Basic Law\2024 HOA Legislative Summaries \(consolidated\) 07-2024.pdf](S:\docs\MMWLLC\HOA\HOA Basic Law\2024 HOA Legislative Summaries (consolidated) 07-2024.pdf)"

- HB24-1007 Residential Occupancy Limits –
 - Prohibits local governments (not HOA) from limiting the number of people living together in a single dwelling unit based on familiar relationships
- HB24-1091 Prohibit Restrictions on use of Fire-hardened building materials
 - Prohibits covenants and other restrictions that disallow in installation, use or maintenance of fire-hardened building materials in residential real property, including HOAs
- HB24-1152 Increasing number of ADUs
 - Allows single ADU use as an accessory to a single unit detached dwelling by 6/30/225; ADUs are subject to administrative process but may not require 1) new off-street parking 2) ADU on same lot to be owner-occupied 3) a restrictive design or dimension standard
 - No HOA organizing docs may restrict creation of an ADU to a single-unit detached dwelling, any such provision is void – applies to all common interest communities regardless of CCIOA status. Does not apply to condos or townhomes since they are not single unit detached dwellings.
- HB24-1173 Streamline permitting for EV chargers
 - Streamlines approval for charging stations, provides additional grant funds to HOA
- HB24-1233 Modifies Procedural Requirements for delinquent collections (effective 8/7/24)
 - Requires update to Collection Policy
 - Brief summary of changes – HOA must contact unit owner before taking action; must maintain record of all contact efforts; contact must be made to the unit owner and designated contact if specified; contact must be in owners preferred language, if specified; unit owner and designated contact must receive same communications; Communications and notices must be sent by USPS Cert Return receipt mail plus 2 options: telephone (voice message ok) or text message or email. Physical posting requirement removed; permitted to charge actual cost of Certified mail to unit
- HB24-1137 Rights of an owner to collection of amounts owed
 - Protects owners from foreclosure action on units in a HOA, limits the reimbursement amount for attorney fees that an HOA may seek to \$5000 or 50% of original money owed, whichever is less. Restricts when an association may foreclose a lien (see detail) and provides a 180 day right of redemption to the owner, and requires 30 day notice of right to mediation prior to litigation.
- HB24-1383 Declaration execution
 - Declarations for CIC must be executed by or on behalf of the owner of the real estate; declaration amendments that add real estate must be executed by the owner of the real estate to be added.
- SB24-005 water conservation and prohibition of certain landscape practices
 - CIC shall not install, plant, or place non-functional turf, artificial turf, or invasive species as part of new development or redevelopment project; does not prohibit maintenance of non-functional turn, artificial turf or invasive plants already in place before 1/1/2026 or grass seed/sod hybridized for arid conditions.
- SB24-134 Operation of Home-based business in CIC
 - Allows unit owners or residents to operate home-baes business at a unit owners unit. HOA may no longer enforce any covenant or restriction the prohibits a unit owner from operating a home-based business. Business must still comply with, and an HOA may enforce, reasonable and applicable R&R, including DRB, noise, nuisance, etc.
- SB24-145 Unlawful restrictions
 - Allows association to remove offending and discriminating language from its governing documents, including the Declaration, without a vote of the members

	C	I	J	K	L	M	N	O	P
2	TWO RIVERS HOMEOWNERS ASSOCIATION								
3	STATEMENT OF REVENUES, EXPENDITURES AND CHANGED IN FUND BALANCE								
4	BUDGET, ACTUAL AND FORECAST FOR THE PERIODS INDICATED								
5									
6									
7									
8									
9									
10									
11	Properties	261	261	-	261				261
13	Assessments per Property Per Month	\$ 75.00	\$ 75.00		\$ 75.00				80.00
14					0%				7%
15	Revenues								
16	Total Assessments	234,825	234,900	-	234,900	117,450	117,450	0	250,560
20	Compliance Fines	0	1,000	-	1,000	0	400	(400)	1,000
21	Late Fees and Other Income	17,647	12,000	-	12,000	5,330	6,000	(670)	12,000
24	Interest Income	560	400	-	400	284	200	84	400
25	Title Prep Fees	1,500	3,000	(1,500)	1,500	300	1,500	(1,200)	1,500
26	DRB Reimbursable		0	-	0		0	0	0
27	Total Revenues	254,532	251,300	(1,500)	249,800	123,364	125,550	(2,186)	265,460
28									
29	General and Admin Expenditures								
30	Community Assn Mgmt/Accounting/Admin	23,276	27,371	(2,629)	30,000	17,462	13,686	(3,776)	31,500
31	Covenant Enforcement (Incl in MD Cost Reimb)	0	0	-	0	0	0	0	0
32	Legal	495	1,000	(1,000)	2,000	259	500	241	2,100
33	Monthly Assessment Billings	13,300	14,465	-	14,465	7,234	7,233	(2)	15,188
34	Insurance	2,259	2,327	63	2,264	2,264	2,327	63	2,377
36	Bank Fees	0	0	-	0	0	0	0	0
37	Website Maintenance	980	500	-	500	22	250	228	1,000
38	Office Expenses and Misc.	1,221	1,000	-	1,000	451	500	49	1,000
40	Contingency		5,000	-	5,000		0	0	5,000
42	Total General & Admin Expenditures	41,531	51,663	(3,566)	55,229	27,692	24,495	(3,197)	58,165
43									
44	Operating Expenditures								
45	Landscaping & Irrigation	100,380	121,506	-	121,506	44,967	40,502	(4,465)	127,581
46	Weeding & Fertilization Program	11,813	12,247	-	12,247	6,154	4,082	(2,072)	12,859
47	Repairs and Maintenance	0	5,000	-	5,000	0	2,500	2,500	5,000
48	Community Picnic/Events	0	2,000	-	2,000	0	0	0	2,000
49	Metro District Cost Reimbursement	92,416	81,655	(2,297)	83,952	0	0	0	87,995
50	Other Projects (Park '24)	6,547	50,000	(515)	50,515	0	0	0	10,000
52	Total Operating Expenses	211,155	272,408	(2,812)	275,219	51,121	47,084	(4,037)	245,436
53									
54	Total Expenditures	252,686	324,071	(6,378)	330,449	78,813	71,580	(7,233)	303,601
55									
56	Revenue Over (Under) Expenditures	1,847	(72,771)	(7,878)	(80,649)	44,551	53,970	(9,419)	(38,141)
57									
58	Beginning Fund Balance	170,011	139,494	32,364	171,857	171,857	139,494	32,364	91,209
62									
63	Ending Fund Balance	171,857	66,723	24,486	91,209	216,409	193,464	22,945	53,068
64	No assurance is provided on these financial statements; substantially all disclosures required by GAAP omitted.	=	=			=	=		
65									
66	TWO RIVERS HOMEOWNERS ASSOCIATION								
67	Balance Sheet								
68									
69	ASSETS	12/31/23				6/30/24			
70	Current Assets:								
71	Bank Account- Operating	155,540				114,805			
72	Bank Account- Reserve	147,815				147,999			
74	Total Cash in Bank	303,355				262,804			
75									
76	Accounts Receivable	35,130				21,916			
77	Other Receivables	0				0			
78	Allowance for Doubtful Accounts	(9,206)				(9,206)			
80	TOTAL ASSETS	329,279				275,514			
81									
82	LIABILITIES & NET ASSETS								
83	Liabilities:								
84	Accounts Payable	123,852				25,536			
86	Total Liabilities	123,852				25,536			
87									
88	Net Assets								
89	Working Capital Reserve	33,570				33,570			
90	Fund Balance	171,857				216,409			
92	Total Net Assets	205,427				249,979			
93									
94	Total Liabilities & Net Assets	329,279				275,514			
95	No assurance is provided on these financial statements; substantially all disclosures required by GAAP omitted.	=				=			