

Tierra Vista Village HOA  
Annual Meeting Minutes  
August 23, 2022

1. The annual member meeting took place at The Wells Group, 1130 Main Avenue, Durango, Colorado 81301, and was called to order at approximately 6:00 p.m.
2. Roll Call. The following members were present:
  - 1) Bran Dennison
  - 2) Mike Berghoff
  - 3) Marie Cobb
  - 4) Catherin and Evans Adams
  - 5) Hugh and Catherine Brown
  - 6) Maureen and Mike Clarry
  - 7) Norm Goldman
  - 8) Joan and David Hupp
  - 9) Susan Logue
  - 10) Elliott Jones
  - 11) Jasmine Lammons
  - 12) Bob Ledger
  - 13) B. Liddiar and C. Ortman- by Proxy to Linda Looman
  - 14) Linda Looman
  - 15) James and Lynne Martensen
  - 16) Baker and Pamela McKonly – by Proxy to Linda Looman
  - 17) Kimberly Otteson- by Proxy to Mike Berghoff
  - 18) Dorothy Reed – by Proxy to Mike Berghoff
  - 19) Randall Stueve
  - 20) Carolyn Wise and Zach Potter
3. With 20 out of 32 members present, a quorum was established.
4. Proof of Meeting Notice was confirmed.
5. The Members reviewed the September 8, 2021 Annual Meeting Minutes. Linda Looman made a motion to approve the minutes with no changes, seconded by Bob Ledger, all were in favor and the motion carried.
6. Jennifer Wade with American Family Insurance, The Wade Agency, was the guest speaker. Jennifer discussed the building insurance policy, including what is/is not covered by the HOA insurance policy and what type of supplemental coverage the homeowners are required to maintain. Jennifer also discussed the reasons behind the significant increase in the premium. Homeowners asked questions and discussed options, including obtaining individual coverage and opting out of the HOA policy. Jennifer and Janet explained that this is not an option due to the governing documents. Jennifer provided handouts at the meeting. See attached.

7. Janet reviewed the 2022 YTD Profit and Loss vs. Budget report and the Balance Sheet with the members. The P and L shows that all categories are on target and the HOA should end up under budget at the end of the year. The Balance sheet shows a combined bank balance of \$42,857.68 in the bank accounts and accounts receivable of \$15,234.00. The insurance has been paid in full. However, the large accounts receivable is because not everyone has paid their insurance premium. Janet is confident that all premiums will be paid as she does not see an issue and believes owners just need more time.
8. Janet discussed the governing documents for Tierra Vista Village. The documents include the CC&R's with the plat, First Amendment, Bylaws and Rules and Regulations. Janet explained the hierarchy of the documents. Janet also discussed CCIOA, and how it relates to the governing documents. She explained the requirements and process for amending the CC&R's, Bylaws, and Rules and Regulations. She also reviewed the definitions of General Common Elements and Limited Common Elements while using the labeled plat on the projector for illustration purposes. Finally, Janet reviewed some of the common violations that take place and answered questions. See the attached notes for detailed information reviewed with the members.
9. Janet reviewed old business. In 2022 the HOA completed a crack fill and seal coat project on all of the roads in the community. Per the requirement of the City of Durango, the HOA installed traffic control devices at the emergency entrance. This is the signage that states no parking allowed.

Janet also reviewed the recommendations of the balance of the operating and reserve bank accounts. See the attached notes for detailed information reviewed with the members.

10. Janet reviewed new business. In 2023, the Board approved the following projects and built the budget around these projects:
  - There is a deed issue regarding the conveyance of one of the common elements. An attorney will need to draft the proper conveyance deed and seek the signature of the original owner/declarant.
  - The Board approved a capital improvement Landscape/Xeriscape project behind 105/109/115 that will include shutting down the sprinklers to save water, as well as removing the concrete footers left behind from the removal of the pergola last year. The members discussed this project and the \$10,000.00 that is allocated in the budget for the work. The members felt that other projects need to be completed in lieu of this project. The members decided to form a committee to further review the project and determine where the money might be better spent. The committee members are: Beth Berghoff, Zach Potter, Hugh Brown, Lynn Martensen, and Catherin Adams. The members will meet and come up with recommendations and estimates of costs to present to the Board for review and approval.
  - The Board budgeted for the road cracks to be filled every year as routine road maintenance.
  - The Board budgeted for tree trimming to take place every year.

Maureen Clarry requested to speak to the members regarding the landscaping project she started one year ago. The project is almost complete, but the Board is concerned about allowing backfill to remain on the GCE. Maureen and the Board also disagree about the length of the shadow box fence that is to be installed. Maureen and the Board have been

working together to find a resolution to these issues; however, they have been unable to reach any agreements. After hearing from Maureen, the Board had an opportunity to comment about their concerns. The members asked questions and discussed the concerns. Although this is a Board decision, the members requested to take an informal vote on whether to approve Maureen's project by allowing the backfill to remain on GCE. By show of hands, the majority of the members unofficially voted in favor of the Board allowing the backfill to remain on GCE. The new Board was charged with coming up with a quick solution to resolve this issue.

11. The members reviewed and discussed the 2022 budget, including the increase in dues. Jasmine expressed concern over the increase in dues, especially in the same year as the significant increase in the insurance premiums. Janet conveyed that there has never been an increase in dues. Jasmine pointed out that when the insurance premium was allocated separately to the members, that was an increase in dues. That allocation was in approximately 2012. Janet also conveyed that the 2021 budget had a negative net income of \$19,000.00 and has been running in the negative for the past few years, forcing the HOA to take money from the reserves. The Board recognized that this cannot be sustained and an increase in dues is necessary. The 2022 Budget was ratified.
12. Nominations and Election of Board of Directors were held. The following members were nominated: Linda Looman, Zach Potter, David Hupp and Marie Cobbs. Mike B. made a motion to elect all of the nominations to the Board, seconded by Brad. All were in favor and the new Board was elected. Elections are held annually as all positions are held for one year.
13. Joan Hupp made a motion to adjourn the meeting, seconded by Brad. All were in favor and the meeting was adjourned at approximately 8:35 p.m.

\*See the attached PowerPoint slides for details regarding the topics discussed.

# Proxy

## For the annual meeting of the Tierra Vista Village Homeowner's Association, Inc. on August 23, 2022

The undersigned Member (s) of the Tierra Vista Village Homeowner's Association Inc., hereby appoints:

Mike Bergdoff

As agent and proxy of the undersigned, with full power of substitution, to vote as the undersigned would be entitled to vote if personally present at the meeting of members of Tierra Vista Village Homeowner's Association Inc. to be held **August 23, 2022** and any adjournment of such meeting, with all power which the undersigned would possess if personally present, upon all matters that may properly come before said meeting or any adjournment thereof.

Print Member's (s') name:

Dorothy Reed

Signature (s): Dorothy Reed

Address:

119 Tierra Vista

Date: 8/23/22

If you are unable to attend please return this completed form to the designated proxy holder or  
Durango Property Management  
450 S Camino Del Rio #204 Durango CO 81301  
[Janet@durangorentals.com](mailto:Janet@durangorentals.com) Email

Kim emailed on  
8/23/22

# Proxy

## For the annual meeting of the Tierra Vista Village Homeowner's Association, Inc. on August 23, 2022

The undersigned Member (s) of the Tierra Vista Village Homeowner's Association Inc., hereby appoints:

\_\_\_\_\_ Mike Berghoff \_\_\_\_\_

As agent and proxy of the undersigned, with full power of substitution, to vote as the undersigned would be entitled to vote if personally present at the meeting of members of Tierra Vista Village Homeowner's Association Inc. to be held **August 23, 2022** and any adjournment of such meeting, with all power which the undersigned would possess if personally present, upon all matters that may properly come before said meeting or any adjournment thereof.

Print Member's (s') name:

\_\_\_\_\_ Kimberly Otteson \_\_\_\_\_

Signature (s): \_\_\_\_\_ Kimberly Otteson \_\_\_\_\_

Address:

\_\_\_\_\_ 16 Tierra Verde Dr, Durango, CO  
81301 \_\_\_\_\_

Date: \_\_\_\_\_ 8/23/22 \_\_\_\_\_

If you are unable to attend please return this completed form to the designated proxy holder or  
Durango Property Management  
450 S Camino Del Rio #204 Durango CO 81301  
Janet@durangorentals.com Email

# Proxy

## For the annual meeting of the Tierra Vista Village Homeowner's Association, Inc. on August 23, 2022

The undersigned Member (s) of the Tierra Vista Village Homeowner's Association Inc., hereby appoints:

Linda Lumens

As agent and proxy of the undersigned, with full power of substitution, to vote as the undersigned would be entitled to vote if personally present at the meeting of members of Tierra Vista Village Homeowner's Association Inc. to be held **August 23, 2022** and any adjournment of such meeting, with all power which the undersigned would possess if personally present, upon all matters that may properly come before said meeting or any adjournment thereof.

Print Member's (s') name:

Cynthia Ortman + Bruce Liddiard

Signature (s): Cynthia Ortman B Liddiard

Address:

116 Tierra Vista

Date: 8/23/22

If you are unable to attend please return this completed form to the designated proxy holder or  
Durango Property Management  
450 S Camino Del Rio #204 Durango CO 81301  
[Janet@durangorentals.com](mailto:Janet@durangorentals.com) Email

# Proxy

## For the annual meeting of the Tierra Vista Village Homeowner's Association, Inc. on August 23, 2022

The undersigned Member (s) of the Tierra Vista Village Homeowner's Association Inc., hereby appoints:

Linda Looman

As agent and proxy of the undersigned, with full power of substitution, to vote as the undersigned would be entitled to vote if personally present at the meeting of members of Tierra Vista Village Homeowner's Association Inc. to be held **August 23, 2022** and any adjournment of such meeting, with all power which the undersigned would possess if personally present, upon all matters that may properly come before said meeting or any adjournment thereof.

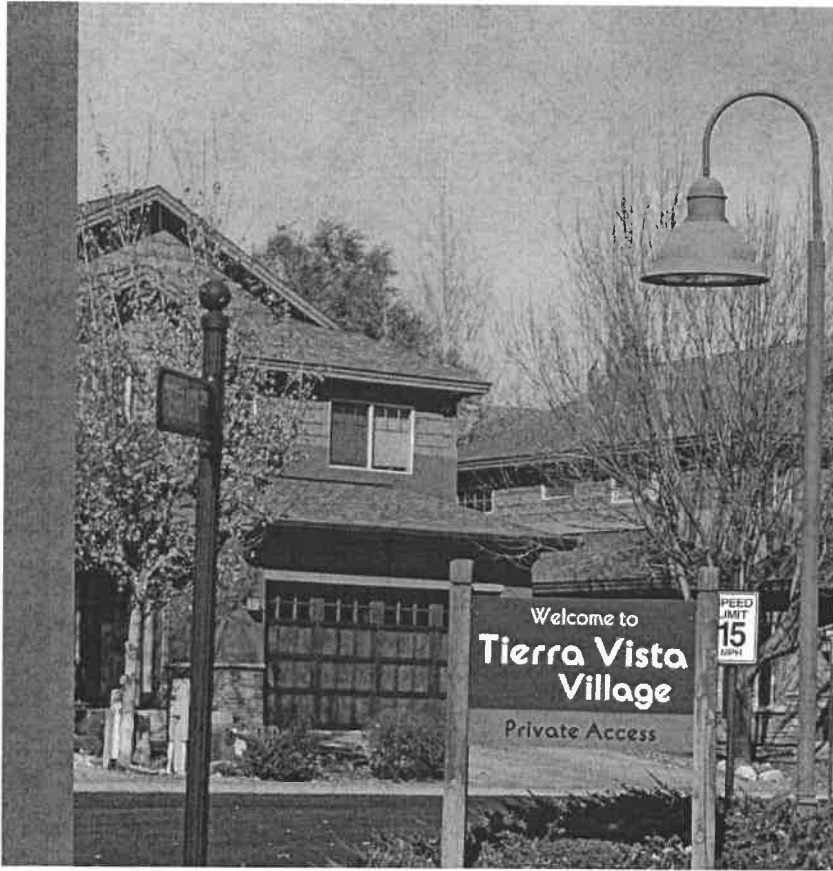
Print Member's (s') name: Baker McKonly

Signature (s): Baker McKonly

Address: 21 Tierra Verde Dr., Durango CO 81301

Date: August 22, 2022

If you are unable to attend please return this completed form to the designated proxy holder or  
Durango Property Management  
450 S Camino Del Rio #204 Durango CO 81301  
Janet@durangorentals.com Email



# Welcome Tierra Vista Village HOA

2022 Annual Meeting





## Agenda

1. Call meeting to Order
2. Roll Call
3. Establish Quorum (35% of 32 Lots)
4. Proof of Meeting Notice
5. Approve Minutes - September 8, 2021 Annual Meeting



Insure carefully, dream fearlessly.

**Guest Speaker**  
**Jennifer Wade**  
**American Family Insurance**  
**The Wade Agency**

## Agenda cont'd



### 7. Review Financial Reports – YTD Fiscal Year 2022

- Profit and Loss vs. Budget
- Balance Sheet- cash and accrual

### 8. Review the CC&R's

- Requirements for any amendments
- GCE and LCE definitions
- Other items of interest

### 9. Old Business- 2022 Year in Review

- Crack fill and Seal Coat Project- completed
- Traffic Control Devices Installed
- Reserve Fund Recommendations

### 10. New Business- Projects for 2023

- Common Elements Deed Issue
- 2023 Capital Improvement Landscape/Xeriscape
  - Behind 105/109/115 TV
  - Berm sprinklers work in that area- will shut off and save water
  - Remove the Concrete Footers
- Annual Crack Fill Project
- Annual Tree Trimming

### 11. Review and Ratification of 2022 Budget

### 12. Nominations and Election of Board of Directors (Minimum of 3, not more than 5)

Current Board: Brad Dennison, Marie Cobb, Mike Berghoff

Elections are held annually as all positions are held for one year.

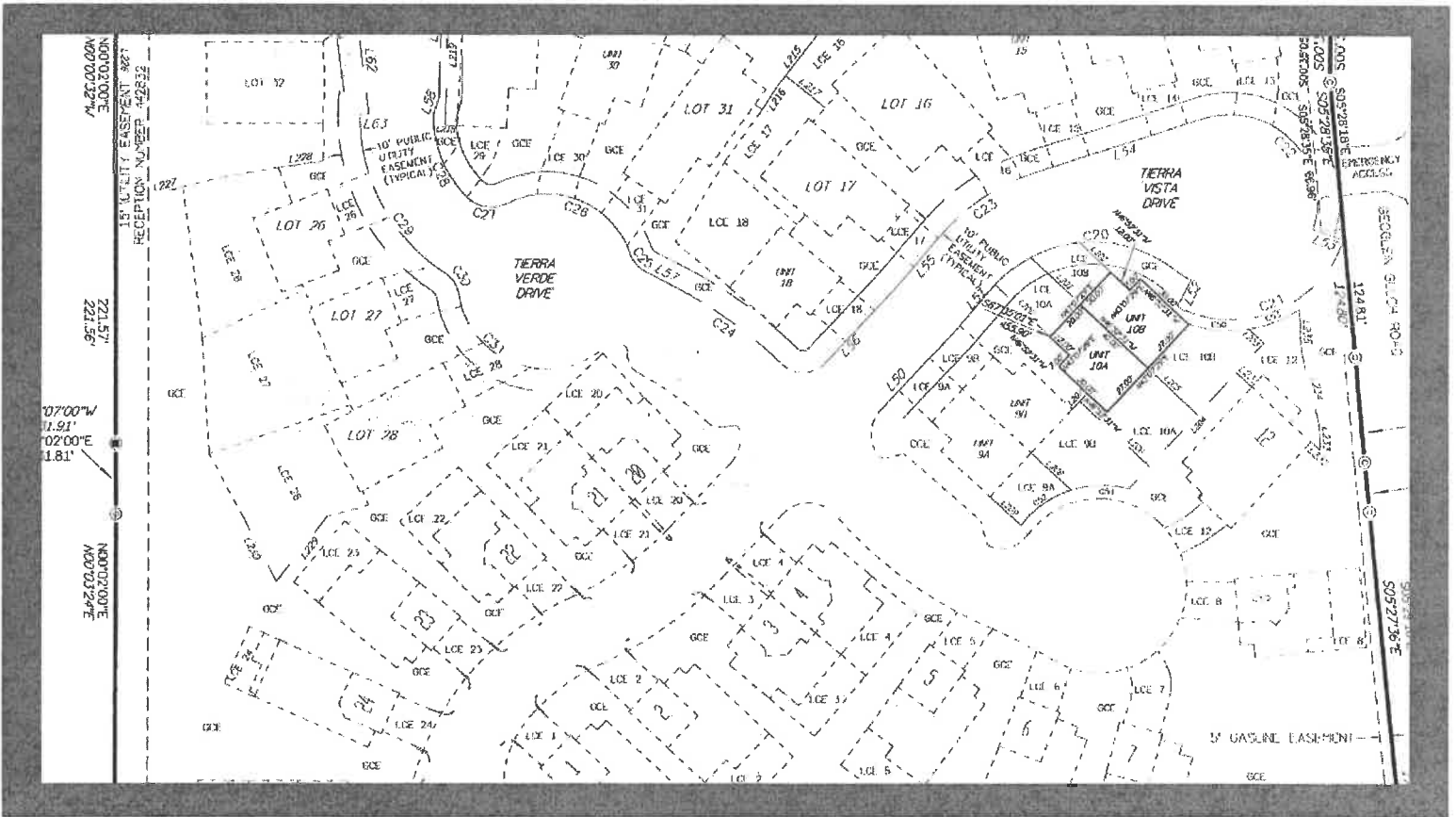
### 13. Adjournment

## 2022 YTD Financial Reports

- Accounts Receivables  
\$15,233.99
- Operating Account Balance:  
\$20,834.92
- This is after paying the insurance premium but not yet receiving all payments from owners
- Capital Account Balance:  
\$22,022.76
- This is after paying CM Asphalt the deposit of \$7,000.00, remaining funds were available in Operating Account
- Net Income will be transferred to Capital Account per Board direction in 2023



- Average HOA Monthly Expenses are \$5,760.00
- Seal Coat/Crack Fill and Restriping under budget at \$14,450.00 savings of \$5,550.00
- Water should come in under budget
- All other expenses are on target with the budget except there is no way to know about the snow removal



## Review CC & R's

- Governing Documents:

Federal/State Laws and CCIOA supersedes all documents where inconsistent with HOA Documents

1. Recorded Map, Plat or Plan (a.k.a. "Condominium Map" or "Plat Map") and Declaration (a.k.a. Declaration of Covenants, Conditions and Restrictions" or "Covenants" or "CCRs"). The CCIOA defines these 2 documents as being part of one another. Any Amendments.
2. Articles of Incorporation
3. Bylaws
4. Rules and Regulations and Resolutions

- Requirements for Amendments

Any amendment to or termination of this Declaration will require the prior written approval of the individual Owners owning not less than 67% of the aggregate ownership interests of the sold Lots and of the First Mortgagees holding First Mortgages on not less than 67% of the mortgaged Lots; provided, however, that any such action (a) terminating this Declaration in full or (b) changing the undivided nature of the Common Elements except as otherwise provided herein shall require the prior written approval of all First Mortgagees.

- Define GCE and LCE- Also See Plat

A "Limited Common Element" means a portion of the Common Elements, designated in this Declaration, or on the Plat, or by the CCIOA, for the exclusive use of one or more but fewer than all of the Lots.

A "General Common Element" means a portion of the Common Elements, designated in this Declaration, or on the plat or map, or by the CCIOA, for the general use of all of the Owners.

- Common Violations and other rules

Boat and Trailer in driveway, non-designated on-street parking, trash left out, and unapproved landscaping projects

# Old Business- 2022 Year in Review

- Crack fill & Seal Coat Project- under budget \$14,500.00
- Traffic Control Devices Installed-City Required- \$230.00
- Account Balance Recommendations:

- **Capital/Reserve Account**

Ideally HOA reserve accounts are 100% funded, but generally, 60% to 70% are acceptable. But what is 100% funded? This means enough funds to cover 20-30 years of capital improvements.

- **Operating Account**

Operating account should maintain 1-3 months of expenses- taking the average of the 3 highest months for Tierra is \$20,000.00. Your operating account is meeting/exceeds this recommendation.



## New Business- Projects for 2023



### **Common Elements Deed Issue**

- Retain Attorney to Review and Prepare Property Transfer of Title of Certain Common Elements
- Will be Paid from the Budget- Legal Fees and if over, from the Capital Account

### **Annual Crack Fill to Maintain Roads**

### **Landscape/Xeriscape**

- Clean up and Xeriscape behind 105/109/115
- Shut off Water to the Area- saving costs
- Remove Concrete Footers

### **Annual Tree Trimming**

### **New Plants as Budget Allows**



		OPERATING	CAPITAL
REVENUES			
	Quarterly Assessments (32 Units at \$540/Qtr)	\$ 69,120.00	
	Interest Income	\$ 2.19	
	Insurance Assessment	\$ 38,000.00	
	Special Assessments	\$ -	
	Interest on Late Payments	\$ -	
TOTAL REVENUES		\$ 107,122.19	
EXPENSES			
	Accounting	\$ 325.00	
	Bank Charges	\$ 120.00	
	Capital Improvements (2023 xeriscape project)	\$ 10,000.00	
	Insurance		
	Building Policy	\$ 38,000.00	
	D & O Policy	\$ 1,250.00	
	Umbrella Policy	\$ 1,200.00	
	Landscaping		
	Weekly Yard Maintenance	\$ 19,500.00	
	Sprinkler System	\$ 2,000.00	
	Tree Trim-annual	\$ 2,000.00	
	Legal Fees	\$ 1,000.00	
	Management Fees	\$ 6,600.00	
	Repairs and Maintenance Misc.	\$ 1,000.00	
	Road Maintenance - annual crack fill	\$ 4,000.00	
	Snow Removal	\$ 4,000.00	
	Utilities		
	Water	\$ 14,000.00	
	Electricity	\$ 1,500.00	
	Reserves	\$ 127.19	\$127.18
	Miscellaneous (filing fees, copies, postage)	\$ 500.00	
TOTAL EXPENSES		\$ 107,122.19	

# 2023 Proposed Budget

- Increase In Quarterly Dues -\$540.00
- Dues Have NEVER been Increased
- Option to pay by ACH

Unless 67% of the votes allocated to all Owners, whether or not a quorum is present, rejects the proposed budget, the proposed budget shall be deemed ratified (officially valid).

**Huge Thank You for the Thankless Job of the  
2021-2022 Board of Directors Volunteers**



**Brad Dennison**

President



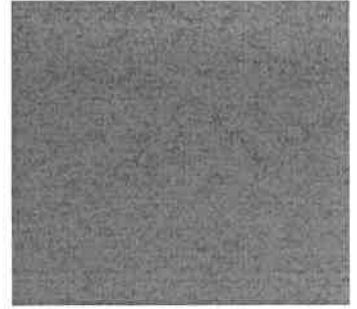
**Marie Cobb**

Treasurer



**Mike Berghoff**

Secretary



**Your Name Could be  
here**

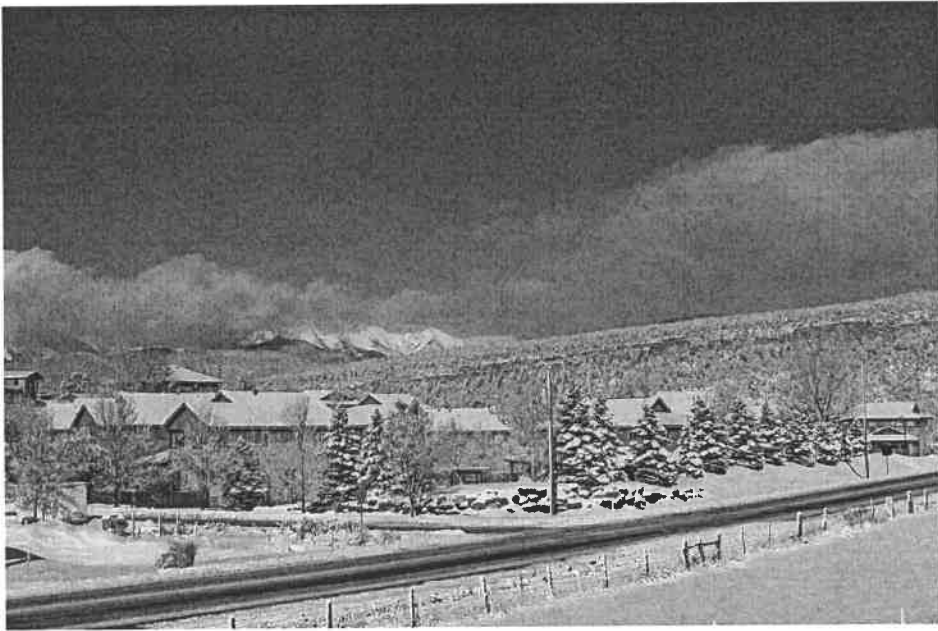
Please Volunteer



# 2022-2023 Board of Directors

Nominations and Election

**Adjourn**  
**Thank you for attending your 2022 Annual HOA Meeting**



## Reserve Fund Recommendations

There is an operating account and a reserve account.

### **Reserve Account:**

Ideally HOA reserve accounts are 100% funded, but generally, 60% to 70% are acceptable. But what is 100% funded? This means enough funds to cover 20-30 years of capital improvements. Capital improvements include expenses that do not occur on a regular basis, or every year, such as road maintenance. To know this number, we would need to have a reserve study completed. However, they are costly. Currently reserve studies are not required, only recommended. The legislature passed a bill that would require every HOA to have a reserve study complete and 100% funded based upon the study. However, the governor vetoed that bill. We do expect that it will come back around in some form next year.

If reserves are not fully funded for a project, especially an emergency project, the HOA will need to collect a special assessment or increase dues to offset the difference. The state would like to see HOA's avoid special assessment. The recommendation is to increase dues to match the long-term needs of the communities' expenses.

### **Operating Account:**

Operating account should maintain 1-3 months of expenses- taking the average of the 3 highest months for Tierra is \$20,000.00. Your operating account is meeting this recommendation.

## Know the Hierarchy of the Documents

Generally, each of the governing documents for your community carries varying degrees of power and authority when it comes to providing the rules and restrictions for the association. That's because the provisions in each document are based on provisions from other documents, creating a hierarchy of authority. That hierarchy is as follows:

1. Recorded Map, Plat or Plan (a.k.a. "Condominium Map" or "Plat Map") and Declaration (a.k.a. "Declaration of Restrictions" or "Covenants" or "CCRs"). The CCIOA defines these 2 documents as being part of the governing documents.
2. Articles of Incorporation
3. Bylaws
4. Rules and Regulations, Governance Policies, Resolutions, Design Guidelines

*The provisions in the documents that are higher on the hierarchy scale trump any inconsistent provision in a lower scale.*

## Finding What You Are Looking For

Just from the titles of the various documents, it is not always evident what is contained within. Here is a list of what you may be searching for:

### 1. Map or Plat

- A drawing of the footprint and layout of the community
- Shows location of lots or units and common areas
- May contain notes with regard to ownership and maintenance of certain elements
- Shows locations of easements

### 2. Declaration

- Defines ownership of elements in the community (lots, common areas, limited common areas)
- Establishes maintenance and repair responsibilities as between owners and association
- Provides for the funding of the association (budgets, assessments)
- Sets forth proper purposes and goals of the association
- Contains protective standards and restrictions for community
- Provides some of the framework for the governance and management of the community
- Addresses the process of transition of the community from developer to owner control

### 3. Articles of Incorporation

- Establishes the nonprofit corporation
- Sets forth general corporate (association) powers and authorities
- Provides for the composition of a board of directors

### 4. Bylaws

- Procedures and rules for the governance of the association
- Notice requirements
- Meeting procedures for both member and board meetings
- Election procedures for the board of directors
- Roles and authorities of directors

### 5. Rules, Regulations and Policies

- More detailed explanations, clarifications and definitions of restrictions and authorities than the Articles of Incorporation
- Provides for the procedures to be used in putting restrictions into effect
- Sets forth procedures for anything from collection of delinquent assessments to conducting business
- May not contradict or conflict with anything found in the governing documents of superior authority
- Currently the following nine governance policies are required by Colorado law: Collection of Assessments, Interest, Conduct of Meetings, Adoption of Policies, Investment of Reserves, Alternative Dispute Resolution, Records, and Reserve Studies.



Wade Agency, LLC

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## Condominium Owners Recommendations

### Recommendations for Owners:

- **Liability limits:** Highly recommend each owner has liability limits on their own policy at a minimum of \$1million. If you are ever the cause of a large loss to the building, you could be held responsible, and the damages & losses can add up very quickly.
- **Loss assessments coverage:** Recommend making sure you have this option on your policy and have at least \$50,000 in coverage to handle any assessments the association may impose due to a claim event.
- **Be sure you have the proper policy;** there are differences in coverages and eligibility depending on if the owner occupies the unit versus if you rent it long term or as a vacation rental.

### Benefits to owners also insured with American Family

- If owners also insure their unit with us and there is a claim that impacts both the association and the owner's unit, we waive the owner's deductible!
- Also, if the owner is insured with us, they have one company handling the claim so less back & forth and can go smoother and more quickly since we would be handling both sides of the claim.

970.259.0091

[wadeagencyllc@amfam.com](mailto:wadeagencyllc@amfam.com)

835 E 2<sup>nd</sup> Ave #425, Durango, CO 81301

31 W Main St Cortez, CO 81321

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# Wade Agency, LLC

Jennifer Wade -Owner

DURANGO: 835 E 2nd Ave #425 / CORTEZ: 31 W. Main St  
970-259-0091

email: wadeagencyllc@amfam.com

## Tierra Vista Village HOA

Policy Term: 06/26/2022-06/26/2023

### Liability Limits

\$2mil/ \$4mil ; \$5k medical expense

Risk Description	# of units	Bldg Covg	sq footage	price per sq/ft
101 Tierra Vista	1	\$ 665,280	2602	\$ 255.68
113 Tierra Vista	1	\$ 529,405	1976	\$ 267.92
109 Tierra Vista	1	\$ 665,280	2602	\$ 255.68
105 Tierra Vista	1	\$ 635,373	2510	\$ 253.14
117/119 Tierra Vista	2	\$ 1,139,635	3952	\$ 288.37
112 Tierra Vista	1	\$ 665,280	2602	\$ 255.68
32 Tierra Verde	1	\$ 1,095,400	4248	\$ 257.86
8 Tierra Verde	1	\$ 665,280	2602	\$ 255.68
11 Tierra Verde	1	\$ 529,405	1976	\$ 267.92
12 Tierra Verde	1	\$ 717,974	2773	\$ 258.92
114 Tierra Vista	1	\$ 529,405	1976	\$ 267.92
116/118 Tierra Vista	2	\$ 1,139,635	3952	\$ 288.37
15 Tierra Verde	1	\$ 724,234	2773	\$ 261.17
16 Tierra Verde	1	\$ 717,974	2773	\$ 258.92
24 Tierra Verde	1	\$ 452,820	1719	\$ 263.42
28 Tierra Verde	1	\$ 452,820	1719	\$ 263.42
29 Tierra Verde	1	\$ 738,539	2894	\$ 255.20
219 Tierra Vista	1	\$ 751,523	2894	\$ 259.68



# Tierra Vista Village HOA

## Policy Summary continued

Risk Description	# of units	Bldg Covg		sq footage	price per sq/ft
20 Tierra Verde	1	\$ 732,773		2894	\$ 253.20
223 Tierra Vista	1	\$ 505,423		1896	\$ 266.57
212/216 Tierra Vista	2	\$ 843,103		3000	\$ 281.03
227 Tierra Vista	1	\$ 413,377		1640	\$ 252.06
231 Tierra Vista	1	\$ 569,480		2135	\$ 266.74
235 Tierra Vista	1	\$ 452,820		1719	\$ 263.42
215 Tierra Vista	1	\$ 452,820		1719	\$ 263.42
21 Tierra Verde	1	\$ 508,040		1963	\$ 258.81
25 Tierra Verde	1	\$ 565,852		2213	\$ 255.69
220/224 Tierra Vista	1	\$ 777,211		2784	\$ 279.17
<b>Blanket Building Limit</b>		<b>\$ 18,636,161</b>	<b>Deductible</b>	<b>\$ 2,500</b>	
<b>Business Owners Policy Premium</b>					<b>\$ 34,032</b>
<b>Other Policies</b>					
Type	Coverage Limits			Premium	
<b>Directors &amp; Officers E&amp;O</b>	\$2,000,000			\$ 1,164	
<b>Umbrella</b>	\$3,000,000			\$ 1,136	
<b>Total Package Annual Premium</b>					<b>\$ 36,332</b>