

# Pioneer Hills HOA

## Special Meeting

July 2, 2024, 6pm, Parkside Village, Aurora, CO

### Minutes

6:00- given the line of people waiting to sign-in, decision was made to delay the start of the meeting. Steve Bartkowski' announced the meeting will begin soon.

6:11 - Chris Opfer (attorney at Opfer, Cambell and Beck) called the meeting to order and introduced himself to all the homeowners present. He communicated that he has been working several of the homeowners and represents some potential board members. He also notified those in attendance that the meeting was being recorded and asked if there were any objections. None were noted.

6:12- Joe Decker, Pioneer Hills Owners Association Board Vice President and Kevin Varnell Member at Large were both in attendance. Joe Decker, legally having the right to do so as VP of the Pioneer Hills Owners Association has declined to run the meeting or speak when asked by Chris Opfer at check-in.

Chris Opfer has called the meeting to order pursuant to Pioneer Hills HOA Bylaws, Colorado Common Interest Ownership Act and the Colorado Non-profit Corporations Act.

Since there is not a meeting officer present that would like to run the meeting, per the Pioneer Hills Owners Association bylaws, Chris Opfer communicated that the members needed to nominate an officer.

6:13 pm Steve Bartkowski was nominated and subsequently appointed as Meeting Officer by the homeowners. Steve introduced himself and welcomed the homeowners. He explained to the homeowners that this meeting is simply a process and not meant to be a personal attack on any homeowner or board member. Steve also asked that everyone be respectful to each other during the course of the special meeting.

Marsha Miller from The Colorado Property Management Specialists has been engaged by the homeowners to represent a non-biased expert to assure that process and voting procedures maintain strict adherence to Colorado Law and the Pioneer Hills Owners Association bylaws. Per Marsha, homeowners sent proof of notice for the meeting on June 21st , 2024 meeting the requirement of a ten day minimum

notice. Marsha is also in possession of the original copies of the proxies signed by Pioneer Hills Owners Association legal property owners and has validated same based on State of Colorado property records. Copies of the proxies were also sent via email, Dropbox transfer and overnight postage to the current board and Lisa Mayer of Spencer Fane. Marsha validated that a quorum has been established and declares the meeting should proceed based on the previously communicated agenda.

6:15 pm- Anyone who signed up to speak when they arrived were informed they have 2 minutes to do so at this time. Each person who wanted to speak was called on by name.

Joe Decker, current Board Vice president, didn't sign up to speak, but requested to speak at this time as he misunderstood the question being asked of him when signing in. He stated that we did not have a quorum, and that we needed 2/3 of our membership to be physically present because our proxies are not legal, and we didn't have enough people there. He also stated that the meeting was not authorized by the Board of Directors, so this is not a legitimate meeting. He noted that in September the current Board is going to hold a public meeting. Joe stated again that this was not a legitimate meeting to resend the board, but he appreciates everyone's interest. Also reminded homeowners of the 4<sup>th</sup> of July party at the pool. Board Directors Joe Decker and Kevin Varnell left the meeting.

Steve Barkowski continued to call on homeowners who indicated they would like to speak. Jim Benedict, having signed up to speak and Kathy Deanda having signed up to speak on sign-in both deferred their time to Jim Decker. Jim Decker has 6 minutes.

Jim Decker recounted the timeline that began with the hailstorm on May 10, 2024 and varying communications that the HOA Board, Teleos Management Company and Heidi Brown, property manager at Teleos Management Company shared with us via email and during a short Board meeting thereafter. He reminded the homeowners about the meeting in December of 2024 that the Board withdrew and did not hold and how homeowners have asked for proof of quotes, were there more than 3 (who were the companies), why weren't funds collected before work began, why did they allow the contractor to break our radon systems and then not notify homeowners immediately and insist the contractor address and repair them? Why

did the board not insist that the contractors finish phase I timely to avoid situation such as homeowners who were hurt during the winter due to missing gutters causing water and ice situations. Why can we not get accurate financial information? Jim notified homeowners that he is nominating himself as a new Board in hopes of helping our neighborhood. I am not voting to keep our current Board.

Judy Goldstein has asked to speak at checking but then deferred.

Steve Bortkowski then exercised his 2 minutes to speak stating that this is supposed to be a community, not the Board vs Community. This is where we spend our free time with our families and friends. It is no fun to live here anymore. We need to change that.

Eric Hart exercised his right to speak. He is a mortgage broker and lives in neighborhood 3. Seventy percent of homebuyers cannot purchase here due to the current Board selecting a new master insurance policy with a 10% deductible. Fannie Mae and Freddie Mac will not provide loans to people who want to buy here, only First Bank and Bank of the West. Price reductions are happening on all of the current listings which is decreasing our home values. People on fixed incomes cannot afford to live here or sell their homes. This is because the Board did not take the time to investigate the roofing situation and the best means to handle it before making these decision. Steve Wickham, the current Board President, told Eric that they (the board) only got one bid because they said the contractor (R3NG) agreed to cover the pool house for free. There are no other bids/estimates to provide so the Board will not be able to provide/produce them. We (the community) should stop asking for them.

6:37 pm Chris Opfer- in response to those that have challenged the validity to this meeting referenced Article IV sections 4.2, 4.4 and 4.5 of the Amended Bylaws of the Pioneer Hills Owners Association adopted February 13, 2019 and Article IV sections 4.2, 4.5 and 4.6 of the Pioneer Hills Owners Association original bylaws adopted in September, 2006.

6:38 pm Steve Bartkowski- Given no other homeowners wished to speak and no one from the board was present to respond to concerns voiced by the homeowners present, the next agenda item calling for a vote to recall the current board will begin. A request for 3 tellers to count the recall ballots from the members present was announced. Ideally there would be a mix between those who were for the recall, those against and those neutral. Marsha and her colleague, also a non-biased

attendee of the special meeting will oversee and manage the voting. One homeowner voiced concerns that the tellers were picked without knowledge if they were for/against/neutral. This homeowner did not want to be a teller, but new tellers were selected to cover this request. Steve apologized to the homeowners for the oversight.

6:41 pm voting and counting of all the ballots and proxies commenced. Mr. Opfer let everyone know they did not need to put their names on the in-person ballots. They would be reconciled based on who check-in and who were there by proxy.

7:08 pm Meeting called back to order by Mr. Opfer. He informed the homeowners that there needed to be a vote of 67% of all present members either in person or by proxy to pass. Voting results were read as follows:

Steven Wickham 165 for removal 4 against

Joe Decker 164 for removal 4 against

Casey Bates 164 for removal 4 against

Chad Forte 164 for removal 3 against

Kevin Varnell 164 for removal 3 against

The current Board has now been recalled in its entirety.

7:11 pm Steve Bartkowski, item 3 on the agenda. Given the current board has been recalled in its entirety, we needed to vote for new Board members to fill those vacancies. Reminder, you cannot vote for anyone that is Not in your neighborhood except for the At Large position. Nominations for board positions were reviewed. Steve asked if anyone else present wanted to nominate themselves or others to represent any of the neighborhoods or the At Large position. No one came forward.

Those nominated were asked to stand and officially nominate themselves of their respective neighborhoods or the At Large Position: Jim Benedict nominated himself to represent Neighborhood 1, No one in attendance nominated anyone for Neighborhood 2.

Interruption from the homeowner Harriet Flynn in neighborhood 3 “I want each neighbor to attest that they are in good standing having paid all HOA dues and the full assessment or is on a payment plan.” Steve went back to Jim Benedict “I attest that I am in good standing with the HOA”. Neighborhood 3: Kathy Deanda, “I

attest that I am in good standing with the HOA and do not owe any HOA dues and have paid the special assessment in full". Neighborhood 4: Steve Johnston, "I attest that I am in good standing with the HOA and have paid the special assessment in full". Member at Large: Jim Decker "I attest that I am in good standing and have paid my assessment in full".

One more check for anyone in Neighborhood 2 that would like to run or nominate anyone in attendance? Seeing none, Steve Barkowski asked if any of those nominated wished to speak to the homeowners prior to the vote.

Kathy Deanda- This situation is hard for all of us. My husband and I have been in our home since 2017 and watched this community grown from the dirt. It is sad to see what has happened over the last year or so. I am glad that everyone is here as everyone should feel they have a voice. This is not about being against our neighbors, we have nothing against our neighbors. It's okay for people to not agree with one another or understand the complexities of this situation. It's about how we work together and respect each other and do what's right for the community. Thank you for all being here, this is a stunning show of support for our community and our neighbors. My focus as a new board member will be to create an environment where everyone has a voice, through committees where we have shared knowledge.

Steve Johnston- Overwhelming to see how many people are here. Inclusiveness, information and transparent. I am happy to give you my personal # and email. Let's figure this out together. I want to work with everybody across the community. Let's figure it out and see where we go.

Jim Decker- Thank everyone for coming. Opportunity rich environment. We don't know what we are facing but we can get through it together. We are going to need everyone's help.

7:23 pm Steve Bartkowski- Voting. Since there is no one running against these individuals Chris Opfer suggested that we could vote by acclamation, raising our hands. If anyone is opposed to voting in this manner, please raise your hand and we will vote by closed ballots. Seeing none by this community I vote in Jim Benedict, Kathy Deanda, Steve Johnston and Jim Decker as board members representing the positions as nominated. "All in favor" An overwhelming majority raised their hands. "Those opposed" None raised their hands. "Those abstained" None raised their hands.

It is noted that those in favor have elected new members of the Board of Directors of the Pioneer Hills Owners Association. Please give a big round of applause for all of our new Board members.

7: 25 pm Chris Opfer-Thank you all. I am happy that you were able to achieve the results you were seeking. When things affect your HOA, it affects your life, kids, can I retire, go on vacation, your entire community. We are hoping the former board will cooperate and we can move on.

Steve Bartkowski' adjourned the Special Meeting of the Pioneer Hills Owners Association at 7:26 pm